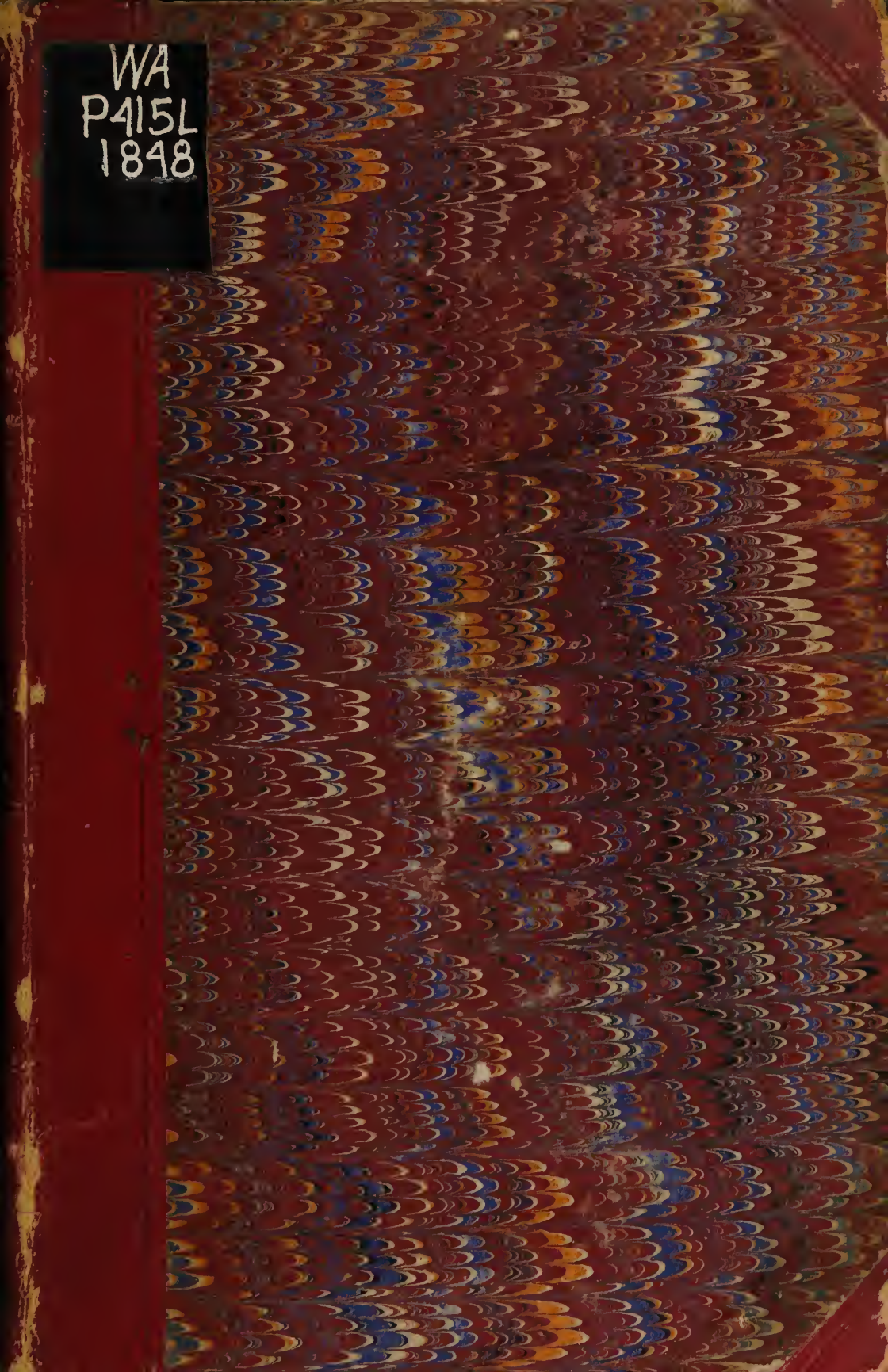


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THE
LAWS OF PENNSYLVANIA *Laws, Statutes, &c.*
IN RELATION TO
THE BOARD OF HEALTH,
AND THE
HEALTH LAWS
OF THE
CITY AND COUNTY OF PHILADELPHIA:
THE ACTS OF CONGRESS
RELATING TO
QUARANTINES, HEALTH LAWS, AND PASSENGER VESSELS.

~~~~~  
Arranged Chronologically.  
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ALSO THE SEVERAL
RULES AND REGULATIONS
ADOPTED BY
THE BOARD OF HEALTH.

50478
PHILADELPHIA:
CRISSY & MARKLEY, PRINTERS, NO. 4 MINOR STREET.
1848.

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BOARD OF HEALTH, 1848-49.

MEMBERS.

CITY.

| | |
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| John Lindsay, | Edward Duff, |
| Joseph M. Thomas, | John C. Martin, |
| John A. Elkinton, M. D., | Samuel W. Weer. |

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SPRING GARDEN.

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| Amos Phillips, | Wilson Jewell, M. D. |
|----------------|----------------------|

KENSINGTON.

| | |
|-----------------|-----------------------|
| Joshua Bethell, | Jeremiah E. Eldridge. |
|-----------------|-----------------------|

SOUTHWARK.

| | |
|------------------|----------------------|
| Benjamin Martin, | William Henry, M. D. |
|------------------|----------------------|

MOYAMENSING.—James Eneu, Jr.

RICHMOND.—Oliver Evans.

PENN.—Joseph Wood.

OFFICERS OF THE BOARD.

President.—John Lindsay.

Secretary.—Benjamin E. Carpenter.

Treasurer.—Samuel W. Weer.

Solicitor.—J. Altamont Phillips.

Clerk.—Samuel P. Marks.

Steward of Lazaretto.—John J. Garvin.

Physician of City Hospital.—John P. Bethell, M. D.

Matron of City Hospital.—P. Altemus.

EXECUTIVE OFFICERS.

Health Officer.—William Loughlin.

Port Physician.—Henry D. Dietrich, M. D.

Lazaretto Physician.—Joshua Y. Jones, M. D.

Quarantine Master.—John H. Cheyney.

Messenger.—Charles F. Thiesen.

Assistant Messenger.—Thomas Bedford.

Runner.—David Brown.



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ACTS OF ASSEMBLY

RELATING TO THE

BOARD OF HEALTH.

ACT OF ASSEMBLY, PASSED 19TH FEBRUARY, 1801.

[3d Smith's Laws of Pennsylvania, 464.]

[6th Carey and Bioren's Laws, p. 182.]

Section IV. [Vessels, goods and passengers, with their bedding and clothing, coming from any port in the State of Delaware, were subject to the same regulations, restrictions and penalties, as if they had not stopped or been landed at any port or place in the United States.]

This proviso was repealed by the following law, and other enactments substituted in its place.

An Act

*To alter and amend the Health Laws of this State, so far as respects Vessels, Goods and Passengers coming from any port or place in the State of Delaware. Passed January 27, 1802.**

[3d Smith's Laws of Pennsylvania, 481.—Pamphlets p. 25.]

Whereas the proviso contained in the fourth section of an Act of the General Assembly of this Commonwealth, passed the nineteenth day of February, in the year of our Lord, one thousand eight hundred and

* This law does not appear to have ever been repealed; all the different laws and parts of laws on the subject, that were repealed, are set out in detail in the last section of the General Health Law of January 29, 1818.

one, entitled "An Act to incorporate a Company for the purpose of cutting and making a Canal between the river Delaware and the Chesapeake bay; and to authorize the clearing of obstructions in the river Susquehanna, down to the Maryland line, and for other purposes therein mentioned," has been deemed by some of the citizens of the State of Delaware, susceptible of a construction injurious to their interests; and it is the wish of the Legislature of this Commonwealth to remove every reasonable cause of complaint on the part of the citizens of a sister State, Therefore,

Section I. *Be it enacted, &c.* That the proviso contained in the fourth section of the act entitled "An Act to incorporate a Company for the purpose of cutting and making a Canal between the river Delaware and the Chesapeake bay; and to authorize the clearing of obstructions in the river Susquehanna down to the Maryland line, and for other purposes therein mentioned;" and every matter and thing therein contained, be, and the same is hereby repealed. And that in future, such vessels and crews, goods and passengers, beds, bedding and apparel, as shall appear by the certificate of the Board of Health, or Health Officer, or (where there is no Board of Health, or Health Officer,) by that of any regular Physician and three Justices of the Peace, at any port or district in the State of Delaware (reciting the quantity and quality, and if any, the marks and numbers of such goods, beds, bedding and apparel, and the names of the crew and passengers,) to have been landed at least fifteen days within the said State or District; and the said crew and passengers to be in a healthy state; and the said goods, beds, bedding and apparel, to be well aired and purified; and to the best of their knowledge and belief, to be free from contagion and infection, shall, upon due examination of such certificate, by the resident physician, or other proper officer at the Lazaretto of the Port of Philadelphia, be permitted to proceed to Philadelphia or the port or place of their destination, in the same manner as if the said landing, airing and purification had taken place at the said Lazaretto: *Provided*, That nothing herein before contained, shall prevent the proper officers at the Lazaretto aforesaid, in cases where after any bill of health as aforesaid has been granted at any port or place in the State of Delaware, any infectious or contagious disease shall exist, or be suspected to exist on board any such vessel, from directing such further quarantine or detention, cleansing, airing and purification, as in

the judgment of the said officers and Board of Health, shall be requisite and necessary for the preservation of the people of the City and Port of Philadelphia from pestilential and contagious diseases.

An Act

For establishing a Health Office, and to secure the City and Port of Philadelphia from the introduction of Pestilential and Contagious Diseases, and for other purposes. Passed January 29, 1818.

[7th Smith's Laws of Pennsylvania, p. 5—Pamphlets page 38.]

Section I. From and after the first Monday in March next, a Board of Health shall be established in the manner hereinafter directed, which shall be and hereby is erected into a body corporate, in deed and in law, by the name, style, and title of "The Board of Health," who shall have perpetual succession, and enjoy all and every the rights, liberties and privileges, powers, authorities and immunities, incident or belonging to a corporation or body politic; and by that name may take and hold all the estate, real and personal, now vested in the present Board of Health, and shall moreover have and exercise the powers and authorities hereinafter mentioned, that is to say:

The members of the Board of Health shall be eleven,* who shall serve without compensation or emolument, and shall be appointed in the manner following to wit:

The Select and Common Councils of the City of Philadelphia, in a joint meeting to be held on the afternoon of the second Monday in

* The Board of Health now consists of seventeen members, and the six not provided for in this act, are chosen as follows: viz. One by Kensington, by the 33d section of the Act of March 6, 1820, incorporating the District. By Act of April 30, 1814, Section 8, Kensington, Spring Garden and Southwark, each elect an additional member, and by Act of February 3, 1818, Section 9, the Districts of Penn and Richmond, each elect a member.

March,* annually, between the hours of two and six o'clock, shall elect by ballot, six citizens, who shall be taxable inhabitants of the said city; and the Commissioners of the incorporated part of the Northern Liberties shall, annually, on the same day, and between the same hours, elect by ballot two citizens, who shall be taxable inhabitants of the said district; and the Commissioners of Penn Township† shall, annually, on the same day, and between the same hours, elect by ballot one citizen, who shall be a taxable inhabitant of the said district; and the Commissioners of the district of Southwark shall, annually, on the same day, and between the same hours, elect by ballot one citizen, who shall be a taxable inhabitant of the said district; and the Commissioners of Moyamensing shall, annually, on the same day, and between the same hours, elect by ballot one citizen, who shall be a taxable inhabitant of the said township, who shall constitute the Board of Health, of which a majority shall be a quorum.

And in case the appointments hereby directed should not take place on the day specified, they may be made on any other subsequent day prior to the third Monday in March, between the same hours.

And the number of years for which any individual may be eligible as a member of the Board of Health, shall not be limited; and in case of the removal, death, sickness, resignation, inability or refusal to serve, of any of the said Board, their places shall be supplied by other appointments to be made by the same authority which appointed the individuals by whose delinquency the vacancies shall be occasioned.

And the said Board, out of their own body, shall choose a President, who shall preside at the meetings of the Board, and whose place shall be supplied in his absence by the appointment of a chairman for the time; a Secretary, whose duty it shall be to keep fair minutes of all the proceedings, rules and regulations of the Board; and a Treasurer, who shall give bond with sureties as is required of the county treasurer, who shall receive all moneys belonging to the Corporation, and pay and disburse the same upon the order of the Board, signed by the President, and attested by the Secretary, who shall keep fair and just

* By Act of April 14, 1840, Section 81, the City Councils may elect members of the Board of Health, at their stated meeting next preceding the second Monday of March.

† By the term "Commissioners of Penn Township," is meant Commissioners of Spring Garden, which was, at the time of the passage of the law, carved out of Penn Township, and was the only part of Penn Township that elected Commissioners.

accounts of his receipts and expenditures, and make extracts thereof whenever the Board shall require the same; and shall once in every year, his accounts having been allowed by the Board, publish the same in one or more newspapers of the city of Philadelphia.

And the said Board shall sit upon their own adjournment as they shall find necessary, but shall meet at least once in every day, between the first day of June and first day of October, in every year; and also when the Board shall be specially convened by order of the President, or any two of the members.

And the said Board shall have, and hereby is vested with full power and authority to make general rules, orders and regulations for the government and management of the Lazaretto, and the vessels, cargoes, and persons there detained, or under quarantine, and of the Health Office and Public Hospitals, and for the mode of visiting and examining vessels, persons, goods and houses.

And shall also have power to appoint such officers and servants as may be necessary to attend the Health Office, the Lazaretto, and the City Hospital, and convey communications and supplies to the said Lazaretto and Hospital, and such other officers and servants as may be necessary for the preservation of the health of the district; together with all temporary officers and servants that may be rendered necessary by the existence of any dangerous contagious disease in the city of Philadelphia, or in any other place within the United States: *Provided*, that such officers and servants shall not hold any offices of profit or trust under the United States; and to remove any of the officers or servants by them appointed, and to appoint others in their places, and to allow and pay the said officers and servants so appointed, such compensation for their respective services as the said Board shall deem just and proper.

And the governor is hereby authorized and required to appoint one physician, who shall reside at the Lazaretto, and be denominated the Lazaretto Physician, and one physician who shall reside in the city of Philadelphia, and shall be denominated the Port Physician, one Health Officer, and one Quarantine Master, all of whom shall be under the direction and control of the Board of Health, (*and shall be removed from office by the Governor at the request of the majority of the members of the Board of Health;*)* and the said Lazaretto physician shall

* Part in brackets repealed by 3d Section of Act of 7th April, 1830.

be entitled to occupy the house hitherto occupied by the resident physician, and shall also be provided by the Board of Health with ground for a garden within the bounds of the Lazaretto, of such extent as the Board may think proper; and the Quarantine Master shall be entitled to occupy the house hitherto occupied by the Quarantine Master, and shall also be provided by the Board of Health with ground for a garden, within the bounds of the Lazaretto, of such extent as the Board shall think proper.

Section II. The Health Officer, on receiving from the captain or master of any ship or vessel, the certificate as directed by this act, or where no certificate is to be given on the arrival of the vessel, shall be entitled to receive from the captain or master, the following sums and no more, and to pay the same over from time to time as the Board may direct to the Treasurer of the Board of Health, to wit:

All American vessels sailing under coasting documents, arriving at the port of Philadelphia, from any port or place in the United States, between the river St. Croix, and the river St. Mary, (except ports or places between Sandy Hook and Cape Charles) shall pay two dollars and fifty cents for each arrival, during quarantine months, and the said vessels during that time shall (if having goods capable of containing contagion, persons, baggage, or clothing, from any foreign port or place, or any diseased person) stop at the Lazaretto, and there be examined by the Lazaretto physician and Quarantine master, under the rules, regulations, and penalties in this act contained.

And all American vessels from any port in the United States where they may have touched or traded from a foreign port or place, shall pay the same sum as if they had arrived direct from such port or place.

And all American vessels with coasting documents, arriving from any port or place between Sandy Hook and Cape Charles, including the bay and river Delaware, during quarantine months, having on board merchandize of foreign growth or manufacture, or persons, baggage, or clothing, from any foreign port or place, or from any place to the northward or eastward of Sandy Hook, or westward of Cape Charles, shall stop at the Lazaretto for examination, under the rules, regulations, and penalties in this act contained, and shall pay for each arrival during quarantine months two dollars and fifty cents.

All American vessels arriving from any port or place in New Brunswick, Nova Scotia, Canada, or the islands or ports adjacent the river

St. Mary's, the coast of Florida, Bay of Mexico, including New Orleans and parts adjacent, and from thence along the Bay of Honduras and coast of Terra Firma, as far as the river Amazon, including all the islands generally denominated West India, Bahamas, or Bermudas, shall pay on arrival five dollars.

All American vessels arriving from any place in Europe, in the Western, Madeira, Canary, or Cape Verd Islands, the west coast of Africa as far as latitude thirty-four degrees south, and from any place in the Mediterranean or straits thereof, or from any place from the river Amazon inclusive, and round the coast of Brazils, as far as latitude thirty-four degrees south, shall pay ten dollars each.

And all American vessels arriving from any place beyond latitude thirty-four degrees south, or round Cape Horn, or the Cape of Good Hope, shall pay twenty dollars each.

And all foreign vessels arriving as aforesaid, (except prizes to American vessels,) shall pay twenty-five per cent. each, additional, unless otherwise regulated by any treaty.

And prize vessels taken by foreign armed vessels, shall pay twenty-five per cent. each, more than is paid by American vessels.

And prize vessels taken by American vessels, shall pay on arrival ten dollars each. And public armed vessels and privateers, shall pay six dollars each.

And any vessel of the burthen of one hundred and fifty tons and upwards, arriving at the Lazaretto, from any foreign port or coastwise, may come to in the outer channel, as near to the west end of the island of Little Tinicum, opposite the Lazaretto, as her draft of water, wind, and weather will permit, for the purpose of receiving the visit from the Lazaretto physician and Quarantine master.

And if the said vessel does not receive her visit in the inner channel, she shall pay an additional sum of five dollars, of which two dollars shall be paid to the Lazaretto physician, and one dollar to the Quarantine master, as a compensation for their extraordinary services, and two dollars shall be paid into the treasury of the Board.

Section III. The building now called the Lazaretto, and the ground therewith reserved and occupied, and all the property and estate of every kind whatsoever now vested in the present Board of Health, shall become and be fully vested in the Board of Health constituted by this act, immediately, and as soon as the same shall be or-

ganized, for the uses and purposes for which the said Board is instituted and established, and the same shall be fully and entirely under the direction and management of the said Board ; and the said Board shall have power to erect such buildings, and to make such enclosures on the lot or tract adjoining the Lazaretto, as to them may seem proper and necessary.

Section IV. From and after the passing of this act, every ship or vessel coming from any foreign port or place bound to the port of Philadelphia, between the first day of June, and the first day of October, in every year, shall come to anchor in the river Delaware as near the Lazaretto, as the draught of water and the weather will allow, before any part of the cargo or baggage be landed, or any person who came in such ship or vessel shall leave her, or any person be permitted to go on board, and shall submit to the examination hereinafter directed.

And if any master, commander, or pilot, shall leave his station before the said Lazaretto, or if any master or commander shall permit or suffer any part of the cargo or baggage, or any person or persons arriving in such ship or vessel from any port beyond the limits of the United States, to be landed on either shore of the Delaware bay, or river, or suffer any person, except the pilot, to come on board before such examination be duly had, and a certificate obtained as is hereinafter specified, the person or persons so permitting, and the person or persons so landed, or going on board (unless imminent danger of the loss of the vessel or lives of the crew shall render assistance necessary,) being thereof convicted, upon indictment or prosecution under this act, by verdict, confession, or standing mute in any court having jurisdiction of the offence, shall pay a fine not exceeding five hundred dollars, to be recovered and appropriated as is herein directed.

And it shall be the duty of the Lazaretto physician and Quarantine master, so soon as any ship or vessel shall be anchored near the Lazaretto, between sun rise and sun set, immediately, wind and weather permitting, to go on board the same, and there thoroughly examine, in such form and manner as shall be prescribed by the Board of Health, the said ship or vessel, the crew, passengers, cargo, and baggage on board the same, and to demand answers under oath or affirmation to be administered by either the said physician or Quarantine master, who are hereby severally empowered to administer the same, to all such questions as shall be put to any person on board such ship or ves-

sel touching the health of the crew and passengers during the voyage, and the nature and state of the cargo, as the Board of Health by their rules shall from time to time direct to be asked ; but it shall be the duty of the person so examining on oath or affirmation, before he shall proceed therein, to make known to the person interrogated the penalty imposed by this act upon the person who shall give false answers under oath or affirmation to the questions proposed in such examination.

And if upon such examination it shall appear to the said physician and Quarantine master, that the said ship or vessel came from a port or place at which no malignant or contagious disease prevailed at the time of her departure, that the persons on board such ship or vessel are free from every pestilential or contagious disease, (*the small pox and** measles excepted,) and that the said vessel has had no malignant disease on board either during the homeward bound voyage, or during her continuance in a foreign port, and they shall see no cause to suspect that the cargo or any part thereof is infected, they shall forthwith deliver to the master or captain of such ship or vessel a certificate of the facts in such form as shall be directed by the Board of Health.

And the said captain or master may, thereupon, proceed according to his destination, and shall present such certificate at the Health Office in Philadelphia, within twenty-four hours after his arrival and safely mooring there.

But if it shall appear, upon such examination, that the ship or vessel came from a port or place at which a malignant or contagious disease prevailed, such vessel shall be detained at the Lazaretto for such time as the Board of Health shall deem necessary, not exceeding twenty days.

And the letter bag of the vessel, when purified, and such letters as the master, commander or passengers shall think proper to write to their owners, consignees or friends, shall be transmitted to the Health Officer in Philadelphia, who shall safely deposit the same in the post office.

And thereupon the Board of Health shall determine and direct what measures shall be pursued to cleanse the vessel and cargo, purify the

* By Act of March 29, 1824, cases of small pox are no longer excepted, but treated in all respects like other pestilential or contagious disease.

clothing and baggage, and restore the health of diseased persons on board, which directions shall be carried into execution under the inspection of the Lazaretto Physician and Quarantine Master, at the expense of the master, owners or consignees of the vessel and goods, respectively, in such manner as by the said orders shall be directed.

Provided always, That wine, rum, salt, sugar, spirits, molasses, mahogany, manufactured tobacco, dye woods, preserved fruits, and such other articles as the Board of Health shall, by their general regulations specify and permit, may be conveyed immediately to the city, in lighters.

And at the expiration of the said time, if it shall appear to the said Physician and Quarantine Master, that no person has been sick with a malignant or contagious disease, (the [*small pox and**] measles excepted,) on board said ship or vessel, either during the voyage homeward, or during her continuance in a foreign port, nor any of the crew or passengers, or other persons from on board such vessel during the performance of quarantine, and the said Physician and Quarantine Master shall certify the said facts to the Board of Health, and that, in their opinion, the vessel, crew, cargo and passengers, may be safely suffered to proceed to the city, the said captain or master may proceed with the same according to his destination, unless the Board of Health shall deem it necessary to cause a further detention of the said vessel or cargo, or of the crew or passengers, or of any baggage on board said vessel, in which case the same shall be detained until the Board of Health shall authorize the same to proceed and enter the city.

And upon the arrival of the said captain or master at Philadelphia, he shall present the said certificate of the Physician and Quarantine Master at the Health Office, within twenty-four hours after his arrival.

But if upon examination of any vessel by the said Physician and Quarantine Master, as aforesaid, or during the performance of quarantine by any vessel, it shall appear to the said Physician and Quarantine Master that there has been any person sick on board the said vessel with any malignant or contagious disease, either during the voyage homeward, or during the continuance of the vessel in a foreign port, or during the performance of quarantine at the Lazaretto, (or that any

* Repealed.

person on board such vessel has been affected with such disease,) then in such case, the vessel shall be detained such further time as the Board of Health may deem necessary.

And the cargo and baggage, except such part thereof as in the opinion of the Board of Health, may be supposed incapable of retaining infection, which said part may be transported to the city in lighters, shall, unless otherwise ordered and directed by the Board of Health, be unladen and thoroughly cleansed and purified, and the crew and passengers which were on board the said vessel, and the cargo and baggage on board the same, or any part thereof, except as before excepted, shall not be suffered to enter the city before the first day of October then next ensuing, without the license and permission of the Board of Health, to that effect, first had and obtained.

Provided nevertheless, That such ship or vessel, after she shall have been thoroughly cleansed and purified, if no malignant disease appear on board, may be allowed to take in freight at the Lazaretto by means of lighters, and proceed to sea.

And if any master or captain, or other person, on board any vessel which shall be examined agreeably to this law, shall not true answers make to all such questions as the Lazaretto Physician and Quarantine Master, or the said Health Officer or Port Physician shall ask, agreeably to this act, or the rules heretofore established, or which shall, from time to time, be established by the Board of Health in conformity with this act, or shall knowingly deceive, or attempt to deceive, the proper officers, as aforesaid, in his answers to their official inquiries, he having been duly informed and apprised of the penalties imposed by this act, on the person so offending, previous to his said examination, by the person making such examination, such person for each and every offence, being thereof legally convicted, shall forfeit and pay a sum not exceeding five hundred dollars, to be recovered and appropriated as hereinafter provided and directed, and moreover shall be sentenced to imprisonment at hard labor, for any term not less than one year, and not exceeding five years.

And if any captain or master of any ship or vessel, shall neglect to present his certificate at the Health Office, in any case in which he is hereinbefore directed so to do, within the time directed by this act, he shall forfeit and pay the sum of three hundred dollars, to be recovered and appropriated as hereinafter directed.

And if any captain or master of any ship or vessel, or any other person on board the same, shall refuse or neglect to comply with the directions of the Lazaretto Physician and Quarantine Master, which shall be made agreeably to this act, or the regulations of the Board of Health, with respect to the detention of any ship or vessel, or the landing from on board the same, of any person or persons, or of any goods, merchandize, bedding, baggage or clothing, or shall refuse to carry the same into effect, such person, for each and every such offence, shall forfeit and pay a sum not exceeding five hundred dollars, nor less than two hundred dollars, to be recovered and appropriated as is hereinafter provided and directed.

Section V. Any ship or vessel coming from any port or place within the United States, at which port or place the said ship or vessel had only called in or touched, upon her arrival from a foreign port or place, shall be liable and subject to all the rules, regulations and restrictions of the preceding sections of this act, and shall be examined and treated, as well the vessel itself, as the cargo, crew, passengers, and baggage, on board, in the same manner as if such ship or vessel had directly arrived at the Lazaretto from a foreign port or place without having first touched at a port or place within the United States.

And all ships or vessels, as well vessels of war, as merchant vessels, coming from any port or place within the United States, and bound to the port of Philadelphia, between the first day of June, and the first day of October in every year, and having on board any goods or merchandize, the growth or produce of any foreign place or country, or any person or persons, bedding or clothing, from any foreign port or place, shall come to anchor opposite the said Lazaretto, and shall be examined by the said Lazaretto Physician and Quarantine Master.

And if the captain or master of any such ship or vessel shall produce such satisfactory proof as the Board of Health shall, in that case, direct to be required, that the said goods or merchandize shall have been landed in the United States, more than twenty days, and are free from damage, and that the said vessel, bedding, clothing and persons, are free from the infection of any dangerous contagious disease, (the [*small pox and**] measles excepted,) then, and in that case, the said

* Repealed.

Physician and Quarantine Master shall give to the captain or master of such ship or vessel a certificate of the facts, permitting such ship or vessel to proceed to the city, which certificate the said captain or master shall present at the Health Office, in Philadelphia, within twenty-four hours after his arrival, and safely mooring there.

And if he should neglect so to do, being thereof legally convicted under this act, he shall be sentenced to pay a fine of two hundred dollars, to be recovered and appropriated, as is hereinafter directed and provided.

And if the said captain or master shall fail to produce such satisfactory proof as aforesaid, of the wholesome state of the said vessel, goods, merchandize, bedding, clothing and persons, the said vessel, goods, merchandize, bedding, clothing and persons shall be detained at the Lazaretto, and shall be proceeded with in the same manner, and subject to the same orders and regulations as are hereinbefore provided and directed in the case of vessels coming directly from a foreign port or place.

And if the captain or master of any such ship or vessel coming from any port or place within the United States, and bound to the port of Philadelphia, having on board any goods or merchandize, bedding, clothing or persons, as aforesaid, shall refuse or neglect to come to anchor opposite the Lazaretto, and shall pass the same with intent to proceed to the city without examination by, and certificate obtained from the said Physician and Quarantine Master as aforesaid, he shall, on conviction, forfeit and pay the sum of five hundred dollars, to be recovered and appropriated as is hereinafter provided and directed, and the said vessels, goods, merchandize, bedding, clothing and persons, shall be sent back to the Lazaretto, there to be proceeded with in such manner as the Board of Health, agreeably to this act, shall, in that case, devise and direct.

Section VI. Every ship or vessel coming from the Mediterranean, shall be subject to a strict examination, under similar regulations and penalties, as are provided in the fourth section of this act.

And if it appears that the said ship or vessel came from any place where the plague existed at the time of her departure, or has spoken with any vessel on board of which any person was affected with the plague, or if any person is affected with the said disease on his arrival at the Lazaretto, or has been affected during the voyage, the said ves-

sel shall not be suffered to proceed to the city, the cargo and baggage shall be unloaded and thoroughly cleansed and purified, and no part shall be suffered to enter the city without the permission of the Board of Health first obtained; and the crew and passengers shall perform a quarantine of not less than twenty days, nor more than forty, at the discretion of the Board of Health: *Provided nevertheless*, That such ship or vessel after she shall have been thoroughly cleansed and purified, may be allowed to take in freight at the Lazaretto by means of lighters, and proceed to sea.

Section VII. Any person or persons, and all goods, merchandize, bedding, and clothing, arriving at any port or place, within the United States, from any foreign port or place at which any malignant or contagious disease, (the [*small pox and**] measles excepted) prevailed at the time of their departure, or in any vessel in which any such disease existed while they were on board the same, are hereby prohibited from entering the city or county of Philadelphia, or the county of Delaware, (except the township of Tinicum,) at any time between the first day of June, and the first day of October in any year, either by land or water, without permission of the Board of Health first had and obtained, under the penalty of five hundred dollars for each and every offence, and the forfeiture of all such goods, merchandize, bedding, or clothing, to be recovered and appropriated as is hereinafter directed.

And that all goods, wares, bedding, clothing, and merchandize, seamen or passengers, landed from on board any ship or vessel belonging to the port of Philadelphia, at any other port of the United States, shall be subject to perform twenty days quarantine, previously to entering the city or county of Philadelphia, under the same penalty as in the fifth section, without permission first obtained from the Board of Health.

Section VIII. No person or persons, goods, wares, merchandize, bedding, or clothing, from any port or place at which any malignant or contagious disease, (the [*small pox or**] measles excepted) prevailed at the time of their departure, or from on board any vessel in which any such disease existed, while they were on board, shall enter or be brought into the city or county of Philadelphia, at any time between the first

* Repealed.

day of June, and the first day of October in any year, by land or water, without the permission of the Board of Health first had and obtained, under the penalty of any sum not exceeding five hundred dollars for each and every such offence, and the forfeiture of all such goods, wares, merchandize, bedding, and clothing, to be recovered and appropriated, as directed by the twenty-ninth section of this act.

Section IX. Whenever the Board of Health shall receive information that any malignant or contagious disease (the [*small pox and**) measles excepted,) prevails in any port or place within the United States, or on the continent of America, they shall make diligent inquiry concerning the same, and if it shall appear that the disease prevails as aforesaid, all communication with such infected port or place, shall be subject to such control and regulations as the Board of Health may from time to time think proper to direct and publish in one or more newspapers published in the city of Philadelphia.

And thereupon every person or persons, and all goods, wares, merchandizes, bedding, and clothing, from such infected port or place, and having entered and brought into the city and county of Philadelphia, contrary to such regulations, shall be subject to the penalties and forfeitures provided by the next preceding section of this act.

And all vessels from such port or place, and bound to the port of Philadelphia, shall stop at the Lazaretto, and be proceeded with in the same manner, and under the same penalties and forfeitures as are provided in cases of vessels coming from foreign ports.

And every person or persons having entered or been brought into the city or county of Philadelphia, from such infected port or place aforesaid, shall also be conveyed by any person authorized by the Board, to such place for purification, as the said Board may appoint or direct for that purpose, and be there detained at the pleasure of the Board, any time not exceeding twenty days, and at the expense of such person or persons.

And if the said Board shall have cause to suspect that any person or persons at the time, within the city and county of Philadelphia, have been at such infected port or place within fifteen days since such disease prevailed at such port or place next preceding, the said Board may

* Repealed.

lawfully require such person or persons to render satisfactory proof of their place or places of abode during the same period.

And if such person or persons neglect or refuse to render such proof, or fail in proving their residence other than at such infected port or place, every such person shall be dealt with, by purification and detention, as persons coming from such infected port or place.

Section X. No Lazaretto physician, Quarantine master or other officer, or servant of the said Lazaretto, shall absent himself from the place of his duty between the first day of June, and the first day of October, on any pretence whatsoever, for any time, without leave first obtained in writing from the Board of Health, under the hand of the president or chairman for the time, attested by the secretary and entered on the minutes, under the penalty of forfeiting his office, and a fine of any sum not exceeding five hundred dollars.

Section XI. It shall be the duty of the Lazaretto physician, immediately on the arrival of any ship or vessel liable to be detained at the Lazaretto in order to be cleansed and purified as aforesaid, to cause the sick, if any on board, to be removed to the building which shall be appointed by the Board of Health for their reception, and diligently and impartially with his best skill to attend upon and administer medical assistance to each and every sick person that shall be therein lodged, and generally to superintend and cause to be executed such orders and regulations as the said Board shall from time to time ordain for the government and management of the Lazaretto, and of the vessels, cargoes, and persons under quarantine.

Section XII. It shall be the duty of the Quarantine master, immediately after the arrival and examination as aforesaid, of any ship or vessel liable to be detained at the Lazaretto for purification as aforesaid, to direct and cause such ship or vessel to be properly moored near the Lazaretto, at such distance from any vessel or vessels under quarantine, as may prevent the communication of any infectious disease to or from the same.

And the cargo, bedding, and clothing, or any part thereof, contained in such ship or vessel, to be landed, cleansed, and purified, under the direction of the Lazaretto physician.

And it shall be the particular duty of the said Quarantine master to prevent any personal intercourse between the persons on board different vessels under quarantine, and for that purpose to take possession of

and secure the boats of such vessels from sunset to sunrise of the succeeding day, until their respective terms of quarantine shall be completed, to preserve and enforce order and obedience to this act, and all such orders and regulations as the Board of Health shall from time to time ordain for the government and management of the Lazaretto, and the persons, vessels, and cargoes, under quarantine.

Section XIII. It shall be the duty of the Port physician, upon receiving information from the Health Officer or other person whomsoever, that any person or persons on board of any ship or vessel in the port of Philadelphia, is or are afflicted, or suspected to be afflicted, with any pestilential or contagious disease, or that there is just cause to suspect that the cargo or any part thereof, contained in any such ship or vessel, is infected with any such disease, the said physician, in either of the foregoing cases, shall visit and carefully examine such ship or vessel, and if he shall discover any sick person or persons on board any such ship or vessel, he shall thereupon have and exercise the authority to direct such sick person or persons to be removed to the said Lazaretto, or to some other safe place which may be specified by the Board of Health.

And the said physician shall without delay report the state of said vessel, cargo, and crew, to the Board of Health, who shall direct and determine how the crew, passengers, vessel, and cargo, shall be disposed of and managed for the restoration of their health and purification.

And on the arrival of any ship or vessel in the port of Philadelphia, from any foreign port or place, from the first day of October in any year, to the first day of June in the next succeeding year, it shall be the duty of the said physician, provided such ship or vessel shall not have been previously visited and examined by the physician resident at the Lazaretto, and Quarantine master, and before any of the passengers, crew, cargo, or baggage are landed, to visit and carefully examine such ship or vessel in manner and form as the said Lazaretto physician and Quarantine master are bound to do, and to demand answers under oath or affirmation, to be administered by the said Port physician, who is hereby empowered to administer the same in conformity with this act.

And if the crew, passengers, vessel and cargo, be in a healthy state, and if there shall be no ground to suspect that any of the crew or pas-

sengers have died on the voyage of any dangerous contagious disease, (the [*small pox and**] measles excepted,) or that the cargo, bedding or clothing is infected; then, and in such case the said physician shall give to the master or commander, a certificate of the facts, which the said master or commander shall present at the Health Office within twenty-four hours after such examination; and if he shall neglect so to do, being thereof legally convicted under this act, he shall be sentenced to pay a fine of two hundred dollars, to be recovered and appropriated as is herein provided and directed.

And if on examination, any suspicion shall arise in the mind of the said physician, touching the health of the crew or passengers, or the infectious state of the vessel, cargo, bedding or clothing, on board, no part thereof shall be landed, but the said physician shall immediately report the same to the Board of Health, who shall direct and determine what measures shall be pursued relative thereto.

And the said physician, upon request of the Health Officer, or the Board of Health, shall, from time to time, visit and examine such houses and persons as the said Board, or the Health Officer, shall have reason to suspect are infected with any dangerous contagious disease, and make report thereof to the said Health Officer.

And every ship or vessel, so as aforesaid arriving at the port of Philadelphia, shall be visited by the port physician previously to her being hauled to any wharf within the city or district aforesaid, or Wind Mill Island.

And every captain or other person so hauling such ship or vessel to any wharf as aforesaid, shall, for each and every offence, forfeit and pay the sum of two hundred dollars, to be sued for and recovered as herein provided, unless it shall be made appear by such captain or other person, that there was at the time imminent danger of the loss of such ship or vessel, or of the passengers or crew thereof.

Section XIV. It shall be the duty of the Health Officer at seasonable and proper hours, on each day, (Sundays excepted) to open and keep a public office, at such convenient place in the city of Philadelphia as shall be directed by the Board of Health, whereat all masters or captains of ships or vessels shall deliver the certificates or bills

* Repealed.

of health to them granted by the Lazaretto Physician and Quarantine Master, or Port Physician as aforesaid.

And the Board of Health shall there assemble and meet, as often as they deem needful, for the purpose of executing the duties and trusts of their appointment.

And the said Health Officer shall file and preserve in good order, all the certificates or bills of health, so delivered, and shall keep a register of the ships or vessels, and the names of the captains or masters, owners or consignees, for which the same were respectively granted, the port or ports from which the ship or vessel respectively sailed, or at which they touched during their respective voyages, and the number of persons on board thereof, respectively, at the time of their leaving their respective ports of departure, and also at the time of their arrival, respectively, at the port of Philadelphia.

And the said Health Officer shall attend the Health Office at the meetings of the Board of Health, and at such other times as shall be required for discharging the duties of his appointment, and generally enforce and execute the regulations and instructions of the Board of Health.

And it shall be the duty of the said Health Officer to collect, recover, and receive all forfeitures and penalties imposed, and sums of money directed to be paid by this act.

And the said Health Officer shall, before he enters on the duties of his office, give bond, with sureties to the satisfaction of the Board of Health, conditioned for the faithful execution of the duties of his office, and to account for all moneys which may come into his hands in pursuance thereof. And the said bond shall be a lien on the estates of the said Health Officer and his sureties, respectively.

Section XV. The letter mail shall, during the quarantine season, leave the Lazaretto for the Health Office in the city of Philadelphia, and return twice in each juridical day, at such hours as the Board of Health shall determine, and shall be free for the transmission of letters to and from persons who may be within the bounds of the Lazaretto, or on board of vessels which may be detained there.*

* By Act of June 11, 1832, section 1, the Board of Health may send letters, packages, &c., to and from the Lazaretto or Fort Mifflin, once or twice a day, at their option.

And it shall be the duty of the Health Officer immediately after the arrival of the Lazaretto mail, to deposit in the post office the letters received thereby, excepting those which shall be addressed to the Board of Health and the officers connected therewith.

Section XVI. Every diseased person duly landed or sent to the Lazaretto, by either of the aforesaid physicians, Quarantine Master, or Health Officer, shall be there kept and maintained until the Lazaretto Physician shall grant him or her, a discharge in writing.

And if before obtaining a discharge as aforesaid, any such person shall elope or otherwise absent himself or herself from the Lazaretto, it shall be lawful for the Health Officer, or any constable or other person whom he shall call to his assistance, and they are hereby enjoined and required to lend such assistance, to pursue and apprehend the person so escaping or absenting himself or herself from the Lazaretto, and there again deliver him or her, to be detained until he or she be duly discharged as aforesaid.

And moreover, the person so eloping and absenting himself or herself shall, for each and every offence, suffer such temporary confinement in the Lazaretto, not exceeding three months, as the Board of Health shall ordain and award.

And if any master or captain shall, knowingly, receive or employ on board of his ship or vessel, or if any housekeeper or other inhabitant of this Commonwealth shall knowingly receive, harbor, or in any way entertain any person so eloping or absenting from the Lazaretto, each and every master and captain, and each and every housekeeper or inhabitant so respectively offending, shall, on being thereof legally convicted, forfeit and pay a sum of two hundred dollars.

And if any person arriving in and belonging to any ship or vessel detained at the Lazaretto as aforesaid, shall elope or absent himself or herself, without having first obtained a discharge, signed by the Lazaretto Physician and Quarantine Master; or if any person other than those detained at the Lazaretto, as aforesaid, shall go on board or along side of any ship or vessel whilst under quarantine, as aforesaid, or if any person not authorized by the Board of Health, shall go within the limits of the Lazaretto, such person or persons shall perform such quarantine as the Board of Health may direct; the person so offending, upon legal conviction of such offence, shall forfeit and pay the

sum of two hundred dollars, to be recovered and appropriated as hereinafter directed.

And if any diseased or other person landed and sent to the Lazaretto by any officer having authority to do the same, or any person arriving in or belonging to any ship or vessel detained at the Lazaretto as aforesaid, shall refuse or neglect to obey the directions of the Lazaretto Physician or Quarantine Master, respectively, agreeably to this act, and the order and regulations by the Board of Health, which shall, from time to time, be ordained and established for the government and management of the Lazaretto, and the persons, vessels and cargoes under quarantine, the person so refusing or neglecting, shall, for each and every offence, on being thereof legally convicted, forfeit and pay the sum of two hundred dollars, to be recovered and appropriated as hereinafter directed.

And the expense and charge of boarding, lodging, nursing, medicine, maintenance, and other necessaries, which shall have been provided for the diseased persons landed and sent to the Lazaretto as aforesaid, and also of burying them in case of their death, shall be paid and discharged by the importer, master, or captain, owner or consignee of the ships or vessels, respectively, in which such diseased persons were respectively imported, agreeably to the rates in that behalf by the Board of Health, to be ordained and established: *Provided always, nevertheless*, That when the diseased persons are passengers and not servants, the said expense and charges shall be repaid by them, their executors or administrators, to the captain or master, owner or consignee, who shall pay and satisfy, or be bound to pay and satisfy the same as aforesaid.

Section XVII. When any vessel shall come up to the city of Philadelphia, or the shores of Southwark or the Northern Liberties, although the said vessel may have obtained a certificate of health from the Lazaretto Physician and Quarantine Master, or the Port Physician, if the said vessel shall appear to the Board of Health to be infected with any contagious disorder, dangerous to the community, the said Board are hereby authorized to order the said vessel to the Lazaretto, there to undergo the necessary purification before she will be permitted to return to the city or the shores aforesaid.

And the said Board are hereby authorized and empowered to remove any vessel or vessels from any part of the city or shore aforesaid, as

shall be infected with such disorders as aforesaid, to such convenient distance as they may deem proper, although such vessel may not be infected.

Section XVIII. Whenever by means aforesaid, or by the report of the Port Physician, or any other physician appointed by the Board of Health, (whom the said Board are hereby authorized to send to places or houses suspected to be infected) it shall come to the knowledge of the said Board, that any person within the city of Philadelphia, the district of Southwark, the townships of the Northern Liberties, Moyamensing or Penn, is afflicted with any contagious disease, dangerous to the community, it shall and may be lawful for the said Board to take orders for preventing the spreading of the contagion, by forbidding and preventing all communication with the infected house or family, except by means of physicians, nurses or messengers, to convey the necessary advice, medicines and provisions, to the afflicted, and shall exercise all such other powers as the circumstances of the case shall require, and as shall, in their judgment, be most conducive to the public good with the least private injury.

Section XIX. No pilot, bringing a ship or vessel to the Lazaretto in an apparent state of good health, shall be obliged to perform quarantine, but the Lazaretto physician shall grant such pilot a certificate permitting him to proceed to the Capes of Delaware, in order that he may prosecute his profession, but such pilot shall not on any pretence come into the city of Philadelphia, the Northern Liberties, the district of Southwark, or the townships of Moyamensing or Penn, for twenty days from the date of such certificate, under the penalty of one hundred dollars, or one year's imprisonment, which penalty shall be recovered and applied in the manner hereinafter directed.

And any pilot bringing to the said Lazaretto a ship or vessel infected or supposed to be infected, with any pestilential or contagious disease, may be permitted to go and remain on shore within the bounds of the Lazaretto during the time the ship or vessel brought thither shall be detained under quarantine: *Provided always*, That if the said pilot shall be infected with any disease as aforesaid, he shall be detained and treated in the like manner as seamen or passengers so infected are herein directed to be detained and treated: *And provided further*, That if he shall go without the bounds of the Lazaretto, he shall be liable to

the same penalties as are by this act imposed on seamen or passengers escaping therefrom.

Section XX. (*Repealed**)

Section XXI. [No master or captain of any ship or vessel, bound to any port or place within this commonwealth, shall bring within the Capes of the bay and river Delaware, or into any port or place within this commonwealth, any greater number of passengers, servants, or other persons whatsoever, than can and shall be well supplied with sufficient good and wholesome drink and meat, and other necessities, particularly vinegar, as well to wash and cleanse the vessel as for the use of the persons on board during the voyage. And every ship or vessel so arriving at any port or place within this commonwealth, shall be allowed to bring one passenger, and no more, for every two tons custom-house measurement, and in such estimate two children between the ages of five and twelve years shall be taken and considered as equal to one full passenger.†]

And before any such ship or vessel shall obtain a certificate from the Health Office, the master, owner, or consignee, of such ship or vessel, shall pay to the Health Officer, for the use of the Board of Health, the sum of one dollar for each and every passenger not citizens of the United States, reckoning two children between the ages aforesaid as one passenger.

And in case it should be made to appear satisfactorily to the Board of Health that such passengers are unable to pay the said sum of one dollar, then, and in such case the Board of Health shall make out a list of such passengers, together with the names of the captain and vessel in which they were imported, and forward the same, under their official seal, to the governor, who shall draw his warrant on the state treasurer, in the usual manner, for the amount so certified.‡

Section XXII. The buildings and lot of ground situate to the north-west of Bush Hill, in the county of Philadelphia, shall be and continue a public hospital for the city of Philadelphia, the township of

* By 3d Section of Act of April 7, 1830.

† The parts of this Section between brackets are obsolete, being superseded by the Acts of Congress on the same subject.

‡ The rest of this Section is likewise obsolete, and is therefore omitted.

the Northern Liberties, and the districts of Southwark, Moyamensing, and Penn; and all persons other than persons on board of any ship or vessel, and liable to be sent as aforesaid to the Lazaretto, residing within the city of Philadelphia, the district of Southwark, the townships of the Northern Liberties, Moyamensing and Penn, who shall be afflicted with any pestilential or contagious disease, (the [*small pox and**] measles excepted,) may, upon the advice and order of the Port physician, or any other physician or person authorized by the Board of Health to grant such order, be removed by the Health Officer, and such assistance as he shall for that purpose employ, to the said public hospital, or to such other place as the physician or Board of Health shall approve, if the person afflicted with any contagious or pestilential disease, cannot be properly and sufficiently attended at home, there to be lodged, nursed, and maintained, and kept until duly discharged by a permit in writing, signed by a physician of the said public hospital.

Provided always, nevertheless, That each and every patient, and his and her estate, real and personal, shall be liable to pay, satisfy, and reimburse all the charges and expenses on his or her account incurred in the said public hospital, unless the Board of Health award that he or she shall be exonerated and exempt therefrom.

And the Board of Health is hereby directed to lease out the said public hospital and lot of ground belonging to it, except when wanted for the sick, on the best terms that can be obtained.

Section XXIII. Whenever the said Board of Health shall receive information that any contagious disease rages in any port or place within the United States, or on the continent of America, they shall make diligent inquiry concerning the same; and it shall and may be lawful for the said Board to prohibit and to prevent all communication by land and water with such infected ports or places, by stopping all vessels coming into the port of Philadelphia, and at and before the Lazaretto, in the same manner and under the same penalties and forfeitures as are hereby provided in cases of vessels coming from foreign ports, and by stopping all persons coming from said infected places, in such manner as the circumstances and exigencies of the case shall require.

* Repealed.

And the said Board of Health are hereby authorized and required, whenever a fever of a contagious nature shall appear in any part of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties, Moyamensing, or Penn, to adopt, without delay, such prompt measures as will effectually prevent all communication between the part or parts so infected, and any other part of the city, district, or townships.

And all judges, justices, sheriffs, constables, and other civil officers and citizens of this state, are hereby authorized and empowered, enjoined and required, to aid and assist the said Board and their officers to the utmost of their power, in carrying into effect such rules, orders, and regulations, touching the stopping of such intercourse, or the removal of the infected when they cannot properly be attended to at home, as the Board shall order and publish.

Section XXIV. Every person keeping a boarding or lodging house in the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties, Moyamensing or Penn, between the first day of June, and the fifteenth day of October in any year, shall, within twelve hours after any seafaring man or sojourner shall become sick in such boarding or lodging house, report in writing the name of such diseased person to the Health Officer.

And no master of a vessel or other person whatsoever, shall remove any sick person from any vessel lying in the river Delaware, before the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties, before such sick person has been visited by the Port physician, and a written permit granted by him for the purpose of such removal.

And any person neglecting or refusing to comply with the provisions of this section, shall, on legal conviction thereof, be subject to a fine not exceeding fifty dollars, or to imprisonment for any term not exceeding three months; and no person shall hereafter be subject to be punished by imprisonment by virtue of this act, without a previous conviction in due course of law: *Provided*, That nothing herein contained shall be construed to prevent the Board of Health from temporarily confining any person within the Lazaretto bounds, for such time as the said Board may deem necessary for the safety of the public.

Section XXV. Every person practising physic in the city, districts, and townships aforesaid, who shall have a patient laboring under

a pestilential or contagious disease, ([*small pox and**) measles excepted) shall forthwith make a report in writing to the Health Officer, and for neglecting so to do he shall be considered guilty of a misdemeanor, and subject to a fine not exceeding fifty dollars.

Section XXVI. Whenever any person shall die in the city, district, or townships aforesaid, the physician or surgeon who shall have attended such person, as a physician or surgeon, during his or her last sickness, shall leave a note in writing signed with his name, with some one of the family in the house where such person shall have died, specifying the name and apparent age of the deceased, and the disease of which he or she shall have died.

And every physician or surgeon refusing or neglecting to make and deliver such note, shall forfeit the sum of five dollars. And that no sexton of any church, or other person having charge of any cemetery, vault, or burial ground,† in the city, districts, or townships aforesaid, shall permit any dead body to be interred therein, until he has received such note in writing so signed as aforesaid, or in case no physician or surgeon shall have attended such deceased person, or the physician or surgeon who did attend shall have neglected or refused to leave such note, then a like note signed by some of the family in which such person shall have died.

The contents of which note in writing shall be entered by such sexton on a blank schedule to be furnished by the clerk of the Health Office, or such other person as the Board of Health shall direct, and delivered together with the said schedule, on the Saturday of every week, to the Health Officer for publication, in such form as may be designated by the Board of Health.

And that every sexton or other person, having charge of any place of interment, neglecting or refusing to perform any of the duties required by this act, shall forfeit the sum of twenty-five dollars.

Section XXVII. The Board of Health or a committee of them shall have power, having first obtained a warrant from a justice of the peace in due form of law, founded on a complaint of two householders under oath or affirmation, directed to the sheriff of the county of Phil-

* Repealed.

† By Section Sixth of Act of March 19, 1838, the provisions of this Section are extended to all burial grounds and cemeteries, in the city and county of Philadelphia.

adelphia, or his deputy, to enter and search all houses, stores, cellars, and other inclosures, between sunrise and sunset, where they may have just cause to suspect any nuisance to exist: *Provided however*, That no sheriff or deputy sheriff shall execute any civil process either by arresting the body, or attaching the goods and chattels of any person or persons under color of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry; and all services so made under color of such entry shall be utterly void, and the officer making such service shall be considered a trespasser.

And it shall be the duty of the said Board to cause all offensive or putrid substances, and all nuisances* which may have a tendency in their opinion to endanger the health of the citizens, to be removed from the streets, lanes, alleys, highways, wharves, docks, or any other part or parts of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties, Moyamensing, and Penn, and to cause such of the privies within the limits aforesaid, to be emptied or corrected with lime or otherwise at the expense of the individuals who are the owners of the houses to which the said privies are appurtenant, as the said Board shall from time to time deem necessary for the health of the inhabitants thereof.

And if the owners or occupiers of the premises on which any nuisance may be found, and the owners of the houses to which the said privies are appurtenant, shall, on due notice thereof, refuse or neglect to have the same immediately removed, emptied, or corrected as aforesaid, he, she, or they, so refusing or neglecting, shall forfeit and pay for every such offence, any sum not less than twenty, nor more than two hundred dollars, to be recovered and appropriated as by this act directed.

And the expense attending the removal of such nuisance shall be recovered by the Board in any court having lawful jurisdiction, from all corporate bodies and individuals, in case due notice has been given to

* In the case of *Kennedy vs. The Board of Health*, 2d Barr's Pennsylvania State Reports, p. 366, the Supreme Court decided that the first part of this Section requiring a Justice's warrant, only applies to cases of houses and enclosures where the Board have cause to suspect a nuisance exists, and wish to obtain an entrance by force, and had no reference as in that case to the removal of a nuisance from a vacant lot.

remove the same, and a refusal or a neglect to do so within the time prescribed by the Board.

Section XXVIII. If any person shall wilfully or knowingly obstruct or resist the Board of Health, or any of the members thereof, or any persons by them appointed, in the execution of the powers to them given, or in performance of duties enjoined on them by this act, and the rules and regulations of the said Board, such person shall, on being thereof legally convicted, forfeit and pay a sum not exceeding five hundred dollars, to be recovered and appropriated as is hereinafter directed.

And if after the expiration of the quarantine, any mariner or other person who shall have complied with the regulations hereby established, shall commit any violence on the person of a member of the Board of Health, or any of the officers attached to the same, for any thing done in the execution of his duty, such person shall be subject, on conviction thereof, to a fine of two hundred dollars, and shall also be sentenced to imprisonment at hard labor for any term not exceeding three years.

Section XXIX. For payment and satisfaction of all forfeitures and penalties, which are imposed by this act, and all sums of money directed by this act to be paid, it shall be the duty of the Health Officer to sue and prosecute, and the same to collect, recover, and receive, and the same shall be recoverable before any alderman, justice of the peace, or court of justice, having lawful jurisdiction, to the amount of such forfeitures, penalties, and sums of money respectively, or in the case, or upon the offence upon which the proceeding shall be had, and the same when recovered and received, shall be appropriated, and shall inure to the use of the institution, under the management and direction of the Board of Health.*

And no citizen or inhabitant of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties, Moyamensing, or Penn, shall be disqualified from sitting as judges or jurors, or from giving testimony respecting any of the offences mentioned in this act, by reason of his, her, or their common interest in the appropriation of the sum or penalties imposed for such offence, nor shall any member of the Board of Health, or any officer entrusted with the exe-

* For the different modes of recovering penalties, see Act of 11 March, 1846, Sect. 10, and Act of 3d February, 1818, Sect 2.

cution of this act, or any part thereof, be disqualified from giving testimony respecting any of the said offences.

And the said members of the Board of Health shall, during their continuance in office, be exempted from the duties of jurors, and from militia duty.

Section XXX. The Lazaretto physician, Quarantine master, Port physician, and Health Officer, shall, from and after the passing of this act, receive annually, the following salaries, as a compensation for their services, that is to say: The Lazaretto physician, the sum of twelve hundred dollars; the Quarantine master, the sum of seven hundred dollars; the Port physician, the sum of five hundred dollars; and the Health Officer, the sum of six* hundred dollars, to be paid quarterly, by an order drawn by the Board of Health on their Treasurer.

And the Quarantine master shall accompany the Lazaretto physician, on the arrival of vessels at the Lazaretto, and shall have them moored, and when necessary, well cleansed and white washed, for which he shall be paid in addition to his salary, by the master, owner, or consignee, and shall be allowed to charge for lime and brushes, the usual prices at which such articles are retailed in the city of Philadelphia.

He shall also be authorized to receive all letters and papers to be forwarded to Philadelphia by the Lazaretto mail, and by any other conveyance he may think proper.

And no person shall be permitted to go on board any vessel under quarantine, except the Lazaretto physician and Quarantine master, unless at the request of either of them to perform some necessary service.

And the Quarantine master shall be furnished with such boats and crews as the Board of Health may judge necessary, for having the duties of the Lazaretto physician and Quarantine master carried into complete effect, and shall also be furnished with a good spy-glass.

Section XXXI. All actions or prosecutions to be commenced against any master, captain, owner, or consignee of any ship or vessel, or other person, by virtue of this act, shall be brought within

* By the 3d Section of the Act of June 11, 1832, the Health Officer's salary is fixed at eight hundred dollars.

twelve months next after the commission of the offence wherewith he is charged, and if any action or suit shall be commenced against any person or persons, for any matter or thing committed in violation of this act, the defendant or defendants may plead the general issue, and give this act and special matter in evidence, at any trial to be had thereupon.

And for the payment and satisfaction of all forfeitures and penalties which are imposed, and all sums of money directed by this act to be paid by the masters, captains, owners, or consignees, as well the ships or vessels respectively, as the captains, masters, owners, or consignees thereof, shall be and are hereby declared liable.

Section XXXII. (*Repealed.**)

Section XXXIII. It shall be the duty of the said Board of Health, and they are hereby authorized to invest all sums of money, which may at any time be in the hands of their Treasurer, over and above the amount which may be necessary to meet their current expenses, in the funded debt of the United States, the stock of the Bank of the United States, or in the stock of any other incorporated Bank in the city of Philadelphia, and to sell and transfer the same at such times, and in such portions as necessity may require.

Section XXXIV. The said Board of Health shall, on the first Monday in January, in every year, exhibit their accounts to the auditors of the county of Philadelphia, and it shall be the duty of the said auditors to settle and adjust the account of all moneys received and expended by the said Board of Health, and the said auditors shall have like power and authority in settling such accounts, as they have in other cases, and on filing a copy of such settlement in the Prothonotary's office, it shall be under the same laws, rules, and regulations, and shall have the same operation and effect upon every of the members of the said Board of Health, and in all other respects as the report of auditors against county treasurers.

Section XXXV. The act entitled "An Act for establishing a Health Office, for otherwise securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for regulating the importation of German and other passengers," passed

* By 5th Section of the Act of February 10, 1832.

the twenty-second day of April, seventeen hundred and ninety-four, be and the same is hereby repealed, except the 21st and 22d sections of the said act; and the act entitled "A Supplement to the act entitled 'An Act for establishing a Health Office, for otherwise securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for regulating the importation of German and other passengers,'" passed the twenty-third day of September, seventeen hundred and ninety-four; and the act entitled "An Act supplementary to the several acts establishing a Health Office," passed the seventeenth day of April, seventeen hundred and ninety-five; and the act entitled "A further Supplement to the act entitled 'An Act for establishing a Health Office, for otherwise securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for regulating the importation of German and other passengers,'" passed the seventeenth day of April, seventeen hundred and ninety-five; and the act entitled "An Act to amend and repeal certain provisions in the Health Laws of this commonwealth," passed the fourth day of April, one thousand seven hundred and ninety-six; and the act entitled "An Act to alter and amend the Health Laws of this commonwealth, and to incorporate a board of managers of the marine and city hospitals of the port of Philadelphia, and for other purposes therein mentioned," passed the fourth day of April, seventeen hundred and ninety-eight; and the act entitled "An Act for establishing a Health Office, for securing the city and port of Philadelphia from the introduction of pestilential and contagious diseases," passed the eleventh day of April, seventeen hundred and ninety-nine; and the act entitled "An Act for establishing a Health Office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases," passed the seventeenth day of March, eighteen hundred and six; and the act entitled "An Act to continue in force an act entitled 'An Act for establishing a Health Office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and supplementary thereto,'" passed the thirty-first day of March, eighteen hundred and twelve; and the act entitled "An Act to amend and continue 'An Act for establishing a Health Office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and the supplement thereto,'" passed the twenty-fifth day of March, eighteen hundred and

thirteen; and the act entitled "An Act to amend and continue 'An Act for establishing a Health Office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases,'" and the supplement thereto, passed the thirteenth day of March, eighteen hundred and seventeen, be and the same are hereby repealed: *Provided nevertheless*, That all actions, prosecutions, or other proceedings begun, all rights accruing, and all penalties incurred under the said acts, shall be carried on, prosecuted, vested in, sued for, and recovered, by the Board of Health established by this act, in all respects as if the said acts had not been repealed and appropriated, as is directed by this act.

An Act

To vest a certain burying ground in the Board of Health, and to provide for registering the births of children in the city of Philadelphia and its vicinity. Passed 27th March, 1819.

[7th Smith's Laws of Pennsylvania, p. 460, *in note*.—Pamphlets, p. 197.]

Whereas the religious society of Friends of Philadelphia, having had possession, under an equitable title, of a lot of ground in the township of Blockley, in the county of Philadelphia, containing one hundred and twenty-six perches and an half, adjoining lands of Elizabeth Powel and the Corporation of the city of Philadelphia, the legal title to which, if it existed, has been lost or mislaid; and whereas, the said lot of ground was used by them as a place of interment, but for the want of a full right thereto, its enclosures have been forcibly broken through and interments of the dead have been made therein in a reproachful manner; and whereas, for the reasons mentioned being unable to correct those abuses, the said religious society did by a formal act under the direction of their monthly meeting, cede and relinquish to the Board of Health, all their right to the said lot of ground on condition that the Board of Health shall procure from the Legislature of the Common-

wealth, an Act to invest them and their successors with the legal title and estate in the same, and when obtained, to be limited to the use of a place of interment of the dead forever; and whereas, the Board of Health have by their memorial prayed to be invested with the legal title to the said lot of ground on the condition mentioned: Therefore,

Section I. *Be it enacted, &c.* That the lot of ground, situate in the township of Blockley, and county of Philadelphia, beginning at a post for a corner in the line of land belonging to the City Corporation, it being also a corner of land of Elizabeth Powel, thence by the land belonging to the City Corporation, the three next following courses and distances to wit: South seventy-eight degrees east eight perches and seven-tenths to a post, south forty degrees east twelve perches to a post, and north eight degrees east thirteen perches and twenty-five hundredths of a perch to a post, for a corner in the line of Elizabeth Powel's land, thence by the same the two next following courses and distances to wit: North eighty degrees and forty-five minutes west seventeen perches to a corner post, and south sixteen degrees west five perches to the place of beginning, containing one hundred and twenty-six perches and an half, be and the same is hereby vested in the Board of Health, to and for the use of the said Board of Health, and their successors in fee simple to be held by them and their successors to the use of a burial ground or a place of interment of the dead forever: *Provided*, that no more than the right of this Commonwealth shall pass by this act, nor that the rights of individuals shall be in anywise affected or impaired thereby.

Section II. It shall be the duty of all persons who may pursue or practice Midwifery in the city of Philadelphia, in the incorporated part of the Northern Liberties, in the township of Penn, and the districts of Southwark and Moyamensing, between the first day of March and the first day of April, annually, hereafter, to leave their names in writing, and the places of their residence, at the office of the Board of Health.

And when so left it shall be the duty of the Clerk to receive and enter the same alphabetically in a book to be kept for that purpose, which shall be open at all times during office hours to persons desirous to inspect the same.

And all persons pursuing or practising Midwifery as aforesaid, shall keep a true and exact register of the births that take place under their

care and superintendence, and shall from time to time as they may happen, enter the same, with the sex of the child so born, on a blank schedule to be furnished to them by the Clerk of the Health Office, which schedule shall be signed with the name of such person, and delivered on the last Saturday of each month to the Clerk of the Health Office, or other person calling for the same.

And every person pursuing or practising Midwifery, neglecting or refusing to leave their names and places of residence at the Health Office as aforesaid, or to perform any other of the duties required by this Act, shall forfeit and pay for each offence the sum of twenty-five dollars, to be recovered in the manner and for the uses prescribed in "an Act for establishing a Health Office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes."

An Act

To Incorporate the Kensington District of the Northern Liberties.
Passed March 6, 1820.

[7 Smith's Laws of Pennsylvania, p. 268.—Pamphlets, p. 66.]

Section XXXIII. That the said Commissioners* be, and they are hereby authorized and empowered on every third Monday of May, and every third Monday of November, annually, to appoint three citizens to be Guardians of the Poor, for the said District, subject to the same rules that the Select and Common Councils and the Commissioners of the District of Southwark are subjected to, in the choice of the Guardians of the Poor; and also, annually, on the afternoon of the second Monday of March, between the hours of two and six o'clock, to appoint one citizen to be a member of the Board of Health, for the said District, and the said three Guardians of the Poor, and member of the Board of Health, so appointed, shall be respectively subject to

* Viz., of Kensington.

the like duties, fines, penalties and forfeitures as the other Guardians of the Poor and the other members of the Board of Health, respectively, now are, or hereafter may be by law, entitled or subject to.

A Supplement

*To an Act entitled "An Act for establishing a Health Office," &c.
Passed April 2, 1821.*

[7 Smith's Laws of Pennsylvania, p. 458, &c.—Pamphlets, p. 210.]

Section I. Between the first day of June and the first day of October, every ship or vessel coming from any port or place southward of Cape Fear, bound to Philadelphia, shall be subject to the examination directed by the fourth section of the Act to which this is a Supplement, for every ship or vessel coming from any foreign port or place.

And the master, commander or pilot of every such ship or vessel, coming from any port or place southward of Cape Fear, shall be subject to the same restrictions, and liable to the same indictment, prosecution and penalties as by the said fourth section of the said act, is prescribed for the master, commander or pilot of any ship or vessel coming from any foreign port or place.

And the same duties shall be performed by the Lazaretto Physician and Quarantine Master, and the same oaths or affirmations shall be by them administered, first making known to the person interrogated the penalty imposed by the said act to which this is a supplement, which penalty is hereby extended to every person who shall give false answers, under oath or affirmation, to the questions proposed under the authority of this act.

And the said Physician and Quarantine Master, and the master or captain of such ship or vessel, shall proceed in the same manner in all respects as is directed by the said fourth section of the Act to which this is a Supplement; and the Board of Health shall have the same power to determine and direct what measures shall be pursued, and the same shall be carried, in like manner, into execution.

Section II. Between the first day of June and the first day of October, every ship or vessel coming from a port or place in the United States, bound to the port of Philadelphia, and from which ship or vessel shall have been, within thirty days then next preceding, unladen the whole or a part of the cargo or baggage, brought in the said ship or vessel from some foreign port or place, every such ship or vessel shall be liable and subject to all the rules, regulations and restrictions of the said fourth section of the said Act to which this is a Supplement, and shall be examined and treated, as well the vessel itself as the cargo, crew, passengers and baggage on board, in the same manner as if such ship or vessel had brought the same cargo, crew, passengers or baggage, directly from such foreign port or place, and had the same then on board, at the Lazaretto.

Section III. Between the first day of June and the first day of October, no ship or vessel which shall be laden with, or have on board any vegetables, fish or hides, shall be unladen at the port of Philadelphia, until a permit shall be applied for and obtained from the Board of Health.

And if any master, captain, owner or owners, consignee or consignees, or other persons, shall presume to unlade from on board of any such ship or vessel, any vegetables, fish or hides, without first having applied for and obtained a permit from the Board of Health, every such master, captain, owner or owners, consignee or consignees or other person, so offending, shall pay a fine not exceeding five hundred dollars, to be recovered and appropriated as is directed in the Act to which this is a Supplement.

Section IV. Between the first day of June and the first day of October, within forty-eight hours after the discharge of the cargo of every ship or vessel at the port of Philadelphia, it shall be the duty of the captain or master, owner or owners, consignee or consignees, and other person, having the direction of the discharge of the same, under the penalty of one hundred dollars, to be recovered and appropriated as by the Act to which this is a Supplement, is directed, to give or cause to be given, to the Board of Health, notice that the same cargo is discharged, and to permit and suffer the Board of Health, by themselves or by their lawful agent by them for that purpose appointed, to examine the condition of the hold, ballast and limbers of such ship or vessel.

And if the Board of Health shall deem it for the safety and health of the city of Philadelphia, they are hereby authorized and empowered to designate a proper place to which the said ship or vessel shall be taken, and that her hold, ballast and limbers shall there be cleansed and purified, or at the expense of such captain or master, owner or owners, consignee or consignees, or other person, having the direction of the discharge of the cargo, to send or cause to be sent, such ship or vessel to a proper place, and have her hold, ballast and limbers cleansed and purified.

Section V. Between the first day of June and the first day of October, no person or persons shall, under the penalty of fifty dollars, to be recovered and appropriated as is directed by the Act to which this is a Supplement, be permitted to store or keep in any one house, store, cellar or other enclosure, a greater quantity than one hundred bushels of vegetables which are in themselves of a perishable nature, without a permit from the Board of Health, which permit shall be granted for a limited time therein expressed, and may be renewed, from time to time, by the Board of Health.

A Supplement

*To an Act entitled "An Act for establishing a Health Office," &c.
Passed March 29, 1824.*

[8 Smith's Laws of Pennsylvania, p. 271.—Pamphlets, p. 125.]

Section I. All ships and vessels arriving at the port of Philadelphia, with small-pox on board, shall be subject to the same rules, restrictions and regulations, as are provided and directed in the Act to which this is a Supplement, in relation to ships or vessels arriving with other malignant or contagious diseases.

Section II. No practising physician, or other person or persons, shall be allowed to communicate the infection of small-pox, by inoculation or otherwise, within the jurisdiction of the Board of Health, unless by special permission of said Board, and any practising physician, or other person or persons so transgressing, shall be liable to a penalty

not exceeding one hundred dollars, nor less than seventy, for each person so inoculated or infected as aforesaid, to be recovered and appropriated as directed by the Act to which this is a Supplement.

Section III. The Board of Health shall be invested with the same authority to make such general rules, orders or regulations, for the preservation of the District from the contagion of small-pox as they already possess in relation to other contagious diseases, dangerous to the health of the community.

An Act

To empower the Board of Health to purchase and hold certain Real Estate, and for other purposes. Passed April 1, 1826.

[9 Smith's Laws of Pennsylvania, p. 118.—Pamphlets, p. 171.]

Section I. It shall and may be lawful for the Board of Health to purchase and hold in fee simple, or for any lesser estate or term of years, one or more lot or lots of ground, not exceeding four in number, and each lot not to contain more than four acres in extent,* and therein to receive and deposit, or cause to be deposited, the contents of all privies within the city of Philadelphia, the District of Southwark, and the incorporated Districts of the Northern Liberties and Spring Garden, that part of the Township of Moyamensing north of Federal street, and between the Passyunk road and Broad street, and that part of the incorporated District of Kensington lying south of a line running due west from the mouth of Palmer's creek, as they shall, from time to time, be cleansed and emptied, and all other offensive substances found upon the public streets and highways, and by the proper process to convert the same into a state fitted to be applied as manure, and the manure thus prepared to sell and dispose of, the proceeds thereof to be applied to the general objects and purposes of the institution, as now authorized by law, and to employ, at such compensation as they may

* By Act of February 10, 1832, section 1, the number of lots is not to exceed three, and each lot not to contain more than ten acres in extent.

think proper, the agents, servants, and workmen necessary to the prosecution and conducting of such process. *Provided*, That no such deposit as aforesaid shall be made in any such lot, unless the same shall have been previously enclosed.

Section II. So soon as the Board of Health have taken upon lease, or purchased as aforesaid, a lot or lots for the purposes aforesaid, and are prepared to receive therein the contents of privies and other offensive substances, it shall be lawful for them to make proclamation thereof, by advertisement in the daily newspapers of the city of Philadelphia, to be continued at least thirty days.

And from and after the expiration of the said thirty days, during which said advertisement has been made, it shall not be lawful for any person or persons, employed in cleansing any privy or privies within the bounds aforesaid, to deposit, or cause to be deposited, the contents or any part of the contents thereof, in any other place or places than such as shall be designated by the said Board of Health in their said proclamation.

And if any person or persons shall deposit, or cause to be deposited, such contents, or any part thereof, in any other place or places than as aforesaid, without the consent of the said Board of Health, such person or persons shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars, one half to the use of the informer, and the other half to the use of the said Board of Health.*

And said penalty may be recovered by action of debt, as sums of like amount are by law recoverable, or the offender may be proceeded against by indictment in the Mayor's court, of the city of Philadelphia, or Quarter Sessions of the county, as the case may be.

And in case of conviction, the court shall sentence and adjudge the person so convicted, to pay said penalty of fifty dollars, (determining at the same time who is to be considered as informer) and to remain in custody until the same be paid.

Section III. It shall be the duty of all persons employed in cleansing† privies within the bounds aforesaid, to convey the contents

* The penalties given by the 2d, 3d and 4th sections of this Act, are generally repealed or supplied by the more comprehensive provisions of subsequent Laws, particularly of the Resolutions of May 29, 1840, and the Act of February 3, 1848.

† See note to Section 2d.

thereof from the said privies to the said places of deposit as aforesaid, in carts or other vehicles, the bodies of which shall be so constructed as to be capable of holding water, and to be closed on the top, and not otherwise, which carts or other vehicles shall be submitted to the inspection of the Health Officer or some other person to be appointed by the Board of Health, and approved of, previous to their being used for the purposes as aforesaid.

And any person or persons offending against the provisions of this section, shall forfeit and pay for every such offence, the sum of twenty dollars, one half to the use of the informer, the other half to the use of the Board of Health, the mode of recovering said penalty and prosecuting said offender to be the same as in the preceding section.*

Section IV. From and after the first day of May next, it shall not be lawful for any person or persons to follow or be engaged or concerned in the business of cleansing privies, within the bounds aforesaid, unless such person or persons shall have previously had their names and residences registered in a book to be kept for that purpose, at the office of the said Board of Health.

In which book it shall be the duty of the Health Officer to insert forthwith, without fee or reward, the name and residence of every person who shall apply to be so registered.

And if any person or persons shall,* after the said first day of May next, cleanse or be concerned or engaged in cleansing any privy within the bounds aforesaid, or in hauling away the contents thereof, whose names shall not have been so as aforesaid registered, and whose carts or other vehicles shall not have been so as aforesaid approved, or if any person shall, when applying to be so registered, give a false name or place of residence to the Health Officer, such person or persons shall, upon conviction of any or either of said offences, forfeit and pay a sum not exceeding fifty dollars, nor less than twenty, one half to the use of the informer, and the other half to the use of the said Board of Health, the mode of recovering said penalty and prosecuting said offence to be the same as hereinbefore provided.

Section V. All the right, title, and interest, which this commonwealth may have or claim, or be supposed to have or claim, by virtue of any forfeiture or supposed forfeiture in a certain undivided third part

* See note to Section 2d.

of four messuages or tenements and lots of ground, situate at the southwest corner of Front street and Norris's alley, in the city of Philadelphia, containing on Front street twenty-nine feet or thereabouts, and on Norris's alley seventy-two feet six inches or thereabouts, be and the same is hereby released to the said Board of Health, to whom the said estate has been lately struck off at Sheriff's sale, and that the deed to be made by the Sheriff to the said Board of Health shall convey as good and perfect a title to the said Board as it would do if made to any natural person. *Provided*, That nothing in this act contained shall in any wise prejudice the rights of individuals, or impair any other title to the said real estate than that which the commonwealth might have or claim, by reason of the sale thereof, to the said Board of Health.

Supplement

To an Act entitled "An Act for establishing a Health Office," &c.
Passed January 29, 1827.

[9th Smith's Laws, p. 263.—Pamphlets, p. 28.]

Section I. A free and unrestricted communication is hereby permitted, between the officers and crews of national vessels which may be detained at quarantine at the Lazaretto, in the port of Philadelphia, and the Naval Asylum on the river Schuylkill, any provisions in the act to which this is a supplement to the contrary notwithstanding. *Provided*, That nothing herein contained shall prohibit the Board of Health from interdicting communication between the said Asylum and the citizens of the city and county of Philadelphia, whenever in their opinion such interdiction may be necessary.

A Further Supplement

To an Act entitled "An Act for establishing a Health Office," &c.

Passed April 7, 1830.

[Pamphlet Laws, p. 348, &c.]

Section I. It shall be the duty of the Board of Health, in all cases where the owner or owners of unoccupied property, upon which a nuisance, in the opinion of the said Board, exists, reside out of the city, districts, and townships subjected to the operation of the act to which this is a supplement, or cannot be found by the messenger of the said Board, after diligent search made, to cause the said nuisance to be at once removed, and the expense attending the removal of the same shall be recovered by the said Board in any court, or before any court, alderman, or justice of the peace, having lawful jurisdiction as in and by the said act is provided.

Section II. The expenses attending the removal of any nuisance shall be and remain a lien upon the premises from which such nuisance has been removed, and it shall be the duty of the said Board of Health to file the claim therefor against the owner or reputed owner in the office of the Clerk of the District Court* for the City and County of Philadelphia, which said court shall in all cases have jurisdiction of the same, and the said claims may be filed, recorded and proceeded on by scire facias to recover the same, in like manner as mechanics' liens† are recoverable, upon the trial of which, the fact of the nuisance shall not be inquired into, and the defendant or defendants shall only be permitted to give evidence of payment, or that unnecessary expenses were incurred by the Board in the removal of the nuisance.

* By Act of April 10, 1845, the provisions of this Section are declared and construed to be extended to the District Court created by Act of March 28, 1835, continued by Act of March 28, 1845, and all former proceedings are confirmed.

† The forms of the claim and proceedings thereon are regulated by the then existing Mechanics' Lien Law of 1808.—*Kennedy v. The Board of Health*, 2d Barr, 366.

Section III. The twentieth section of the act to which this is a further supplement, and so much of the first section of the act to which this is a supplement as requires the request of a majority of the members of said Board before the Governor can remove certain officers; and also such parts of said act as may be inconsistent with the provisions of this supplement, be and the same are hereby repealed.

A Supplement

To an Act entitled "An Act to empower the Board of Health to purchase and hold certain real estate, and for other purposes." Passed February 10, 1832.

[Pamphlets 63, &c.]

Section I. It shall and may be lawful for the said Board of Health to purchase and hold in fee simple, or for any lesser estate or term of years, one or more lot or lots of ground, not exceeding three in number, and each lot not to contain more than ten acres in extent,* for the purposes mentioned in the first section of the act to which this is a supplement.

Section II. It shall and may be lawful for the said Board of Health to sell, let upon ground rent, or lease the whole or any part or portion of the lot or lots heretofore purchased and now held by them under the first section of the act to which this is a supplement, as also the whole or any part or portion of any lot or lots which the said Board may hereafter purchase in pursuance of the provisions of this act, and upon such sale, letting upon ground rent, or otherwise, to make good and sufficient deeds of conveyance and assurance in the law, to the purchaser or purchasers, lessee or lessees thereof.

Section III. All and every purchase heretofore made by the said Board of Health of a lot or lots of ground for the purposes aforesaid,

* By Act of March 17, 1842, Sections 10 and 11, the Southern Poudrette Pit was removed, and the Board of Health prohibited from locating any other in Moyamensing, north of the Buck Lane, without the consent of the Commissioners of the Township.

shall be deemed and taken, and are hereby declared to be good and available in law, any thing in the act herein referred to, to the contrary notwithstanding.

Section IV. So much of the first section of the said act of Assembly, entitled "An Act to empower the Board of Health to purchase and hold certain real estate, and for other purposes," as is hereby altered and supplied, be and the same is hereby repealed.

Section V. If the fees paid into the Office are inadequate to defray the expenses of carrying into complete effect the provisions of the different acts for establishing a Health Office, the said Board of Health are hereby authorized, by and with the consent of the Mayor's Court of the city of Philadelphia, and the Court of Quarter Sessions of the county of Philadelphia, to draw a warrant on the Commissioners of the county of Philadelphia for the amount required; and it shall be the duty of the Commissioners of the said county to pay over to the said Board the amount of said warrant, and they are hereby authorized and required to raise the money in any mode or manner in which money for the ordinary purposes and expenses of said county may by law be raised or obtained.*

An Act

Relating to the Board of Health of the Port of Philadelphia, and for other purposes. Passed June 11, 1832.

[Pamphlet Laws, p. 620.]

Section I. Under the provisions of the fifteenth section of the act entitled "An Act to establish a Health Office, and to secure the city and port of Philadelphia from the introduction of pestilential and con-

* By Act of April 5, 1842, Section 6th, the previous sanction of the County Board to any appropriation is required, and by other laws the Mayor's Court is abolished and all its powers, jurisdiction, and authority are vested in the Court of Quarter Sessions.

tagious diseases, and for other purposes," passed the twenty-ninth day of January, eighteen hundred and eighteen, the Board of Health of Philadelphia are hereby authorized to send letters and other packages to the Lazaretto and to Fort Mifflin, and to receive letters and packages sent from either of said places, to the Health Office of the said city once or twice a day, as they may deem expedient.

Section II. From and after the first day of July next, no health fee or half pilotage shall be charged on any American vessel engaged in the Pennsylvania coal trade.

Section III. The Health Officer shall receive annually, as compensation for his services, the sum of eight hundred dollars, to be paid quarterly, by an order drawn by the Board of Health on their Treasurer, any thing in the thirtieth section of the act entitled "An Act for establishing a Health Office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes," passed twenty-ninth January, eighteen hundred and eighteen, to the contrary notwithstanding; and so much of said act as fixes the salary of the Health Officer, be and the same is hereby repealed.

An Act

For erecting the County Board, and concerning the Commissioners and Auditors of the County of Philadelphia, and for other purposes. Passed April 10, 1834.

[Pamphlets, p. 267.]

Section V. From and after the passage of this act, the members, for the time being, of the Senate and House of Representatives, from the city and county of Philadelphia, shall form the County Board, whereof a quorum shall consist of a majority of the whole number, who shall have free access to the books, papers and accounts of said office,* and without whose consent and approbation, in writing, it shall

Viz., County Commissioners' Office.

not be lawful for the Commissioners of the said county of Philadelphia, to lay any tax or county rate and levy, or to borrow any money, except as is hereinbefore authorized and provided for.

An Act

To Incorporate the Monument Cemetery of Philadelphia, and for other purposes. Passed March 19, 1838.

[Pamphlet Laws, p. 127.]

Section VI. That the twenty-sixth section of an Act, passed the twenty-ninth day of January, one thousand eight hundred and eighteen, entitled "An Act for establishing a Health Office, and to secure the City and Port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes," be, and the same is hereby extended to all burial grounds and cemeteries in the city and county of Philadelphia.

A Supplement

To the Act, entitled "An Act to erect Shirleysburg, in the county of Huntingdon, New Hope, in the county of Bucks, and Hamburg, in the county of Berks, into boroughs, and for other purposes." Passed April 16, 1838.

[Pamphlets, p. 570, &c.]

Section XXV. The Board of Health of Philadelphia, be, and they are hereby authorized, if, under all the circumstances of the case, they shall consider it equitable and proper, to refund to Tristram B. Freeman, the sum without interest, paid by him in the year eighteen

hundred, for amount of security, entered by James Philips for appearance of Robert Hardwick, forfeited.

Section XXVI. [No ship or vessel arriving from any port in the United States, at the port of Philadelphia, shall be subject to detention at the Lazaretto, unless the Board of Health and Board of Wardens in joint meeting shall have determined that the port or place is infected with malignant contagious disease.*]

Provided further, That the Board of Wardens of the port of Philadelphia shall, from time to time, regulate the fees to be paid to the Health Officer and Harbor Master.

Provided further, That the boats and vessels passing through the Raritan Canal, and Delaware and Chesapeake Canal, shall not be subjected to any fee, whatever, any law to the contrary notwithstanding.†

An Act

Regulating Election Districts, and for other purposes. Passed
April 14, 1840.

[Pamphlets, p. 347.]

Section LXXXI. That, hereafter, the appointment of members of the Board of Health, by the Select and Common Councils of the City of Philadelphia, shall be made at the stated meetings of Councils, next preceding the second Monday in March, annually, and in case the appointments should not take place at said stated meeting, they may be made as heretofore.

* Part in brackets, repealed by forty-first section Act of June 13, 1840.

† This provision was made in consequence of a decision by the Supreme Court in the case of the Board of Health *vs.* Hand, 4th Wharton, p. 217, that vessels arriving at the Port of Philadelphia through those Canals during Quarantine months were subject to the Health fees.

Resolutions

Of the Legislature. Passed May 29, 1840.

[Pamphlet Laws, p. 750.]

1. *Resolved*, That, hereafter no person shall remove or cause to be removed, the contents or any part thereof of any privy well within the limits of the jurisdiction of the Board of Health, until he shall have first obtained a permit from the said Board of Health, which permit shall specify the time within which the contents of the privy may be removed, and the place to which the said contents shall be conveyed and deposited. And if any person shall remove, cause, or allow, or assist in removing the contents or any part thereof, of any privy well before he has obtained such permit, or at any other time than that specified in the said permit, or shall convey to and deposit, or assist in conveying and depositing the same in any other place than that described in the said permit, he shall, for any of the aforesaid acts, forfeit and pay to the Board of Health, the sum of one hundred dollars, and also be liable to an indictment in the Court of Criminal Sessions for the city and county of Philadelphia,* and on conviction shall be sentenced to undergo a confinement in the jail of the county of Philadelphia, not exceeding ninety days, or at the discretion of the court, shall forfeit and pay for the use of the said Board of Health, the further sum of fifty dollars. And the person or persons upon whose property, the same being enclosed, occupied, or in a state of cultivation, the contents or any portion of the contents of any privy, unless by the special permission of the Board of Health, shall be deposited, shall forfeit and pay for every such deposit, the sum of fifty dollars for the use of the Board aforesaid, and shall remain in custody until the same be paid.

2. That, hereafter no person shall be permitted to remove or cause to be removed, any portion of the contents of a privy well within the limits aforesaid, excepting in carts or vehicles so constructed as to be

* This Court has been abolished, and its jurisdiction vested in the Court of Quarter Sessions.

water-tight, and securely covered on the top, and capable of containing twenty-four cubic feet. And if any person shall remove, cause, or permit to be removed, the contents or any part thereof of any privy, excepting in carts or vehicles constructed as above, he shall forfeit and pay to the Board of Health, a sum not exceeding one hundred dollars.

3. That, hereafter, the charge of removing the contents of privy wells within the limits aforesaid, shall be made by the load of twenty-four cubic feet; and the number of loads removed from each privy shall be determined by the certificate of the Clerk of the Board of Health, of the number of loads received at the public pit, which certificate shall be received as conclusive evidence of the number of loads removed in all suits instituted for the recovery of debts incurred for the conveying away of the contents of privies within the limits aforesaid. And all contracts for removing the contents of privies within said limits which shall be made hereafter, contrary to the meaning and intent of this section, is hereby declared to be null and void.

4. That so much of the act entitled "An Act to empower the Board of Health to purchase and hold certain real estate, and for other purposes," passed during the session of 1825--26, and all existing acts of Assembly which are inconsistent with the provisions of the present act, is hereby repealed. And in addition the powers with which the said Board of Health are invested, in relation to their holding real estate, that they be also authorized to purchase and hold so much real estate, within the city of Philadelphia, as may be necessary for the transaction of their business.

An Act

Regulating Election Districts, and for other purposes. Passed June 13, 1840.

[Pamphlets, p. 671.]

Section XLI. That so much of the twenty-sixth section of an act passed the sixteenth day of April, one thousand eight hundred and thirty-eight, a supplement to the act entitled an act to erect Shirleys-

burg, in the county of Huntingdon, New Hope, in the county of Bucks, and Hamburg, in the county of Berks, into boroughs, and for other purposes, as provides that no ship or vessel arriving from any port in the United States at the port of Philadelphia, shall be subject to detention at the Lazaretto, unless the Board of Health and Board of Wardens, in joint meeting, shall have determined that the port or place is infected with malignant and contagious disease, be and the same is hereby repealed.

An Act

To confer on Elizabeth, John, and Henry M'Guire, Augustus Boyle, and Maria Mayberry, the rights and benefits of children born in lawful wedlock, and for other purposes. Passed May 7, 1841.

[Pamphlets, p. 364.]

Section II. That the several provisions of the second section of an act entitled "An Act to establish the District Court of the city and county of Philadelphia," passed twenty-eighth day of March, eighteen hundred and thirty-five, and of the first section of the supplement thereto, passed eleventh day of March, eighteen hundred and thirty-six, be and they are hereby deemed and construed to extend to all actions of *scire facias* on claims, filed, or to be filed by the Board of Health, for removing nuisances under the laws of the Commonwealth.

Supplement

To the Act entitled "An Act to incorporate the Township of Moyamensing, in Philadelphia county," passed March twenty-fourth, one thousand eight hundred and twelve, and for other purposes. Passed March 17, 1842.

[Pamphlets, p. 97.]

Section X. That the "Board of Health" of the city and county of Philadelphia, shall within six months after the passage of this act, remove or cause to be removed the Poudrette Pit, situate at the intersection of Fifth Street and Moyamensing Road in said township, and they shall not after the passage of this act, permit any privy filth to be deposited therein, without first obtaining the permission of the Commissioners aforesaid.*

Section XI. That hereafter it shall not be lawful for the "Board of Health" aforesaid, to locate, or cause to be located, any Poudrette pit or pits (or any other place for the deposit of privy filth,) within said township, north of the north side of Buck Lane, without first obtaining the consent of the Commissioners aforesaid.*

An Act

In relation to the county of Philadelphia. Passed April 5, 1842.

[Pamphlets, pp. 236, 238.]

Section I. In addition to the powers now conferred by law on the County Board of the city and county of Philadelphia, the said Board shall have the power of specifically appropriating such of the

* Viz.: The Commissioners of Moyamensing.

proceeds of the county rates and levies as shall not be appropriated by law ; and the County Board may require statements from the Board of Health touching their receipts and expenditures.*

Section VI. That from and after the passage of this act, it shall not be lawful for the Comptrollers of the Public Schools, or the Board of Health, or the Inspectors of the County Prison, to draw warrants for a larger or other sum of money than shall be specifically appropriated for the same, by the said County Board ; and all laws authorizing the said Comptrollers and Board of Health, and Inspectors of the County Prison to draw money from the County Treasury, are hereby repealed.*

A Further Supplement

To an Act passed the eighteenth of April, one thousand seven hundred and ninety-four, incorporating the District of Southwark, in the county of Philadelphia. Passed April 30, 1844.

[Pamphlet Laws, p. 535]

Section VIII. That within thirty days after the passage of this act, there shall be elected (in addition to those already elected) by the Commissioners of the district of Spring Garden, one member of the Board of Health ; by the Commissioners of the district of Southwark, one member of said Board ; and by the Commissioners of the district of Kensington, one member of said Board ; and the members thus chosen shall form part of the same Board with those elected under the provisions of the act of the twenty-ninth of January, one thousand eight hundred and eighteen, entitled “ An act for establishing a Health Office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes ;”

* Only so much of these sections is inserted as applies to the Board of Health, as other matters are embraced in the same sections.

and each of the said districts shall at the same time and place provided for electing members of the Board of Health, annually elect two members of the Board of Health, who shall perform all the duties and be subject to all the restrictions and limitations now imposed by the laws of this Commonwealth; and the members whose election is hereby provided for shall continue to hold their offices as members of the said Board until their successors are duly elected and qualified: *Provided, however,* that the additional members hereby provided for, shall only continue in office until the time for electing members of the Board of Health, in one thousand eight hundred and forty-five, and until their successors are elected.

A Further Supplement

To an Act entitled “An Act to establish the District Court for the City and County of Philadelphia,” passed the Twen’y-eighth day of March, One Thousand Eight Hundred and Thirty-five. Passed April 10, 1845.

[Pamphlets, p. 351.]

Section I. The authority, power and jurisdiction given to the District Court for the city and county of Philadelphia, by an act passed on the Seventh day of April, One Thousand Eight Hundred and Thirty, entitled “A further Supplement to an Act entitled ‘An Act for establishing a Health Office, and to relieve the City and Port of Philadelphia, from the introduction of pestilential and contagious diseases, and for other purposes,’ ” are hereby declared to be vested in the court established by the Act to which this is a further Supplement, and that all former proceedings under said Act, passed on the Seventh day of April, One Thousand Eight Hundred and Thirty, be, and the same are hereby confirmed.

An Act

To divide the Wards of the District of Spring Garden into Election Divisions. Passed April 12, 1845.

[Pamphlets, p. 385.]

Section VIII. From and after the passage of this Act, it shall not be lawful for any Commissioner of any of the incorporated Districts in the county of Philadelphia, to be elected to any office by the Board of Commissioners.

Section IX. That all laws inconsistent with the provisions of this act, be, and the same are hereby repealed.

A Supplement

To an Act passed the Sixth of April, One Thousand Eight Hundred and Thirty, entitled "A Supplement to An Act entitled 'An Act for taking Lands in execution for the payment of Debts,' passed in One Thousand Seven Hundred and Five." Passed April 16, 1845.

[Pamphlets p. 488.]

Section II. No debt, charge, or assessment, for work hereafter done, or materials furnished by or under the authority of the Board of Health, or any municipal corporation, shall be a lien on real estate for more than six months from the time of doing such work, unless a claim for the same shall be filed in the office of the Prothonotary of the proper court within that time, nor shall the same continue a lien longer than five years from the time of filing the claim, unless revived by *scire facias*, in the manner provided by law, in the case of mechanics' claims; and no lien for such debts, charges or assessments now existing, shall continue longer than six months from the first day of April, in this year, unless a claim for the same be filed as aforesaid within that time, in which case it shall continue, and may be revived in the same manner as in the cases above provided for.

An Act

Relating to Registered Taxes and Municipal Claims in the County of Philadelphia. Passed March 11, 1846.

[Pamphlet Laws, p. 115.]

Section III. That in the city and county of Philadelphia, all writs of *scire facias* on claims for taxes, municipal charges and assessments, and for expenses of removing nuisances, shall be served by the Sheriff of the said county, by posting a true and attested copy of the writ on a conspicuous part of the premises therein described, and by publishing a brief notice thereof in a daily newspaper in said county, twice a week for two weeks, before the return day; on which service being made, the plaintiffs, in such suits may proceed to recover judgments as in suits on mechanics' liens.

Section IV. Such claims may, in suits thereon, be read as evidence of the facts therein set forth; and no plea alledging non-joinder or misjoinder of parties, no plea averring want of notice to remove nuisances, no plea touching the rates or proportions of contribution among parties jointly interested, nor any plea touching the question of ownership, shall be allowed in any such action.

Section V. In all writs of *levari facias* on such claims, the Sheriff's handbills and advertisements shall contain, at the foot thereof, a memorandum setting forth the name of the party plaintiff, and the nature and character of the claim; in default whereof, the sale under such writ may be set aside by the court.

Section VI. The lien of such claims shall not be divested by any judicial sale as respects so much thereof as the proceeds of such sale may be insufficient to discharge and pay.

Section VII. So much of the Act passed on the Sixteenth day of April, One Thousand Eight Hundred and Forty-five, entitled "An Act vacating part of old Master's street or Master's lane, in Penn Township, in the county of Philadelphia, and for other purposes," as provides for the collection of registered taxes by the Treasurer of the county of Philadelphia, shall be restrained in its operation and effect to the collection of State, County, Poor and Road Taxes, only; and

all other taxes, assessments and public claims, shall be collected by, and under the authority of the Corporations, respectively entitled to receive the same.

Section VIII. In all cases where the taxes on separate and distinct properties, in the said city and county of Philadelphia, shall be assessed together as one estate, it shall and may be lawful for the County Commissioners, at any time before the payment of the said taxes so assessed, to apportion the same, rateably, upon the said several and distinct portions of the property so assessed together; and no law, now in force, shall be so taken or construed, as to require the city of Philadelphia, or any district of the county of Philadelphia, or the Board of Health, to register in the office of the County Commissioners, any claim for curbing, paving, grading, laying pipes or culverts, or the expenses of removing nuisances.

Section IX. The fee to the Prothonotary, for filing, docketing, and indexing each claim for taxes or liens, and transcripts of judgments therefor, in the city and county of Philadelphia, shall be twenty-five cents.

Section X. All specific penalties and forfeitures inuring to the use of the Board of Health, or any Municipal Corporation of the county of Philadelphia, shall be recovered by suits, as debts of like amount are by law recoverable.

An Act

Supplementary to the several Acts of Assembly, incorporating the District of Penn, in the County of Philadelphia. Passed February 17, 1847.

[Pamphlets, p. 119]

Section XVIII. That the jurisdiction of the Board of Health, shall be, and the same is hereby extended to said District: *Provided,**

* This proviso repealed by the third Section of the Act of February 3, 1848.

That nothing in this Act, or any other Act of Assembly, shall be construed to prohibit the citizens of the said incorporated district (subject to such rules, regulations and restrictions, as shall be established by the Commissioners thereof,) from using privy manure for farming and agricultural purposes within the limits of the said District ; nor to prevent the citizens of any other district from disposing and using of the same for like purposes : *Provided*, The same be removed in the same manner and at the times as now ordained by the said Board of Health.

A Further Supplement

To an act entitled " An Act for establishing a Health Office, and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes," passed January twenty-nine, one thousand eight hundred and eighteen, and the several supplements thereto. Passed February 3, 1848.

[Pamphlets, p. 18.]

Section I. The jurisdiction, powers, duties, and authority of the Board of Health, shall extend to and over the city of Philadelphia, the incorporated districts of the Northern Liberties, Kensington, Richmond, Spring Garden, Penn and Southwark, and the township of Moyamensing ; and all violations of health laws now punished, or hereafter to be punished by fine, forfeiture, imprisonment, or otherwise, shall be prosecuted and sued for, if committed within the jurisdiction of the Board, in like manner, and as fully, and to all intents and purposes, as if any of the said places had been especially named.

Section II. Whenever any penalty given by law to the Board of Health, is not fixed and definite in amount, but varies at the discretion of the court, the same shall in such cases be collected and recovered only by indictment.

Section III. The several provisions of the resolutions of May twenty-nine, one thousand eight hundred and forty, relative to privy wells, are hereby declared to be in all respects in full force, and any

constable, police officer, or watchman, is hereby authorized to seize and detain all carts, horses, and implements and apparatus actually taken with any person or persons detected in any violation of said resolutions, and deliver the same to the Board of Health for safe keeping, and as security for the payment of the penalties given by said resolutions, and all other laws on the same subject.

Section IV. If any privy filth be spilled from a cart upon any street, lane, alley, road, or highway, within the limits of the jurisdiction of the Board of Health, the same shall be adjudged to be an unauthorized deposit, and punished as such.

Section V. From and after the passage of this act, it shall not be lawful for any person to remove the contents of any privy well, within the limits of the jurisdiction of the Board of Health, unless first licensed by the Board of Health to do so; and any person offending against the provisions of this section, shall for every such offence forfeit and pay to the Board of Health, the sum of fifty dollars: *Provided*, That the Board of Health may from time to time by resolution or otherwise, exempt from the operation of this, or any other law on the subject of nuisances, such portions of the territory under their jurisdiction, being a rural district or sparse in population, as in their opinion they may do with safety to the health and comfort of the inhabitants thereof.

Section VI. Any person desirous of being licensed to empty or remove the contents of privy wells, shall make application in writing to the Board of Health, who on being satisfied with the character of the applicant and the construction of his carts, shall, under the rules and regulations they make in relation thereto, grant him a license for one year, and the same may renew from year to year as they may deem proper, and for every license so granted, and for every renewal thereof, the Board of Health shall receive from the party applying therefor the sum of one dollar, and for every permit for removing the contents of any privy, he shall pay to the Board of Health, at the time said permit is granted, fifty cents if between the first day of October and first day of the next June, and five dollars if between the first day of June and the first day of the next October, to be repaid to him by the person or persons employing him to empty or cleanse such privy well: *Provided, nevertheless*, That the price for a permit to clean

a privy, declared to be a nuisance by the Board of Health, shall be one dollar, between the first day of October and the first day of the next June, payable in like manner: *And provided, also*, That in the case of permits granted by the Board for removing the contents of privies, which are in the way of building or of improvements, which cannot be effected without such removal, as also, for removing the contents of privies which have become accidentally a nuisance to the houses to which they are attached or the neighborhood, the charge for such permits at all seasons of the year, shall be but fifty cents; and any person so licensed offending against any of the provisions of this or any other law on the same subject, shall, by the vote of a majority of the Board, forfeit his license, and be disqualified to have the same again granted to him for such period not exceeding three years, as they may determine, and he shall also be subject to all fines, pains, and penalties given by law for any violation thereof.

Section VII. It shall and may be lawful for the Board of Health to sell and dispose of absolutely in fee simple, with or without reservation of a ground rent or ground rents, the buildings and lot of ground, situate to the northwest of Bush Hill, in the district of Spring Garden, in the county of Philadelphia, now used by them as a public hospital, and to make and execute one or more good and sufficient deed or deeds in fee simple to the purchaser or purchasers thereof, without any liability on the part of such purchaser or purchasers, to see the application of the purchase money or any part thereof, and with the proceeds of such sales and dispositions they shall purchase a suitable tract or piece of land within three miles of the city of Philadelphia, and shall forthwith erect thereon suitable buildings for a public hospital, and the same, when finished, shall be taken and used as and for a public hospital, to all intents and purposes, as the said hospital near Bush Hill is at present taken and used: *Provided*, That the county of Philadelphia shall not be called on to defray any portion of the expenses incurred in the purchase of the ground and erection of the New Hospital.

Section VIII. No vessel shall be permitted to leave the Lazaretto, without first giving security, to be approved by the Board of Health, for the payment of all expenses of said vessel, and of passengers and other persons imported therein, which said vessels, their captains, owners, or consignees, are by law made liable.

Section IX. From and after the passage of this act, the district of Penn be authorized to elect one member, and the district of Richmond one member of the said Board of Health, in such manner and at such times, as members of the Board of Health are elected by the district of Spring Garden.

Section X. All laws or parts of laws inconsistent with any of the provisions of this act, or supplied thereby, are hereby repealed.

ACTS OF CONGRESS

RELATING TO

QUARANTINES, HEALTH LAWS, AND PASSENGER VESSELS.

An Act

Respecting Quarantines and Health Laws. Passed Feb'y 25, 1799.

[1st Story's Laws United States, p. 564—1 U. S. Statutes at large, p. 619.]

Section I. That the quarantines and other restraints which shall be required and established by the health laws of any State, or pursuant thereto, respecting any vessels arriving in or bound to any port or district thereof, whether from a foreign port or place, or from another district of the United States, shall be duly observed by the Collectors and all other officers of the revenue of the United States appointed and employed for the several collection districts of such State, respectively, and by the masters and crews of the several revenue cutters, and by the military officers who shall command in any fort or station upon the sea coast, and all such officers of the United States shall be, and they hereby are authorized and required faithfully to aid in the execution of such quarantines and health laws, according to their respective powers and precincts, and as they shall be directed, from time to time, by the Secretary of the Treasury of the United States; and the said Secretary shall be, and he is hereby authorized, when a conformity to such quarantines and health laws shall require it, and in respect to vessels which shall be subject thereto, to prolong

the terms limited for the entry of the same, and the report or entry of their cargoes, and to vary or dispense with any other regulations applicable to such reports or entries: *Provided*, That nothing herein shall enable any State to collect a duty of tonnage or impost without the consent of the Congress of the United States thereto; *And provided*, That no part of the cargo of any vessel shall, in any case, be taken out or unladen therefrom, otherwise than as by law is allowed, or according to the regulations hereinafter established.

Section II. That, when by the health laws of any State, or by the regulations which shall be made pursuant thereto, any vessel arriving within a collection district of such State, shall be prohibited from coming to the port of entry or delivery, by law established for such district, and it shall be required or permitted by such health laws, that the cargo of such vessel shall, or may be unladen at some other place within or near to such district, the Collector authorized therein, after due report to him of the whole of such cargo, may grant his especial warrant or permit for the unloading and discharge thereof, under the care of the Surveyor, or of one or more inspectors at some other place, where such health laws shall permit, and upon the conditions and restrictions which shall be directed by the Secretary of the Treasury, or which such Collector may, for the time, reasonably judge expedient for the security of the public revenue: *Provided*, That in every such case, all the articles of the cargo, so to be unladen, shall be deposited at the risk of the parties concerned therein, in such public or other warehouses or enclosures as the Collector shall designate, there to remain under the joint custody of such Collector, and of the owner or owners, or master or other person having charge of such vessel, until the same shall be entirely unladen or discharged, and until the goods, wares or merchandize, which shall be so deposited, may be safely removed without contravening such health laws; and when such removal may be allowed, the Collector having charge of such goods, wares or merchandize, may grant permits to the respective owners or consignees, their factors or agents, to receive all goods, wares or merchandize, which shall be entered, and whereof the duties accruing, shall be paid or secured according to law, upon the payment by them of a reasonable rate of storage, which shall be fixed by the Secretary of the Treasury, for all public warehouses and enclosures.

Section III. That there shall be purchased or erected, under the orders of the President of the United States, suitable warehouses with wharves and enclosures, where goods and merchandize may be unladen and deposited from any vessel which shall be subject to a quarantine or other restraint, pursuant to the health laws of any State, as aforesaid, at such convenient place or places therein, as the safety of the public revenue and the observance of such health laws may require.

An Act

Regulating passenger Ships and Vessels. Passed March 2, 1819.

[3d Story's Laws United States, p. 1722.—3d U. S. Statutes at large, p. 488.]

Section I. That, if the master or other person on board of any ship or vessel, owned in the whole or in part by a citizen or citizens of the United States, or the territories thereof, or by a subject or subjects, citizen or citizens of any foreign country shall, after the first day of January next, take on board of such vessel, at any foreign port or place, or shall bring or convey into the United States or the territories thereof, from any foreign port or place, or shall carry, convey or transport from the United [States,] or the territories thereof, to any foreign port or place, a greater number of passengers than two for every five tons of such ship or vessel, according to custom-house measurement, every such master or other person so offending, and the owner or owners of such ship or vessel shall, severally, forfeit and pay to the United States, the sum of one hundred and fifty dollars for each and every passenger so taken on board of such ship or vessel, over and above the aforesaid number of two to every five tons of such ship or vessel, to be recovered by suit in any circuit or district court of the United States, where the said vessel may arrive, or where the owner or owners, aforesaid, may reside: *Provided, nevertheless,* That nothing in this act shall be taken to apply to the complement of men usually and ordinarily employed in navigating such ship or vessel.

Section II. That if the number of passengers so taken on board of any ship or vessel, as aforesaid, or conveyed or brought into the United States, or transported therefrom, as aforesaid, shall exceed the said proportion of two to every five tons of such ship or vessel, by the number of twenty passengers in the whole, every such ship or vessel shall be deemed and taken to be forfeited to the United States, and shall be prosecuted and distributed in the same manner in which the forfeitures and penalties are recovered and distributed under the provisions of the act, entitled "An Act to regulate the collection of duties on imports and tonnage."

Section III. That every ship or vessel bound on a voyage from the United States to any port on the continent of Europe, at the time of leaving the last port, whence such ship or vessel shall sail, shall have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted provisions, one gallon of vinegar, and one hundred pounds of wholesome ship-bread, for each and every passenger on board such ship or vessel, over and above such other provisions, stores and live stock, as may be put on board by such master or passenger for their use, or that of the crew of such ship or vessel, and in like proportion for a shorter or longer voyage; and if the passengers on board of such ship or vessel in which the proportion of provisions, herein directed, shall not have been provided, shall, at any time be put on short allowance in water, flesh, vinegar or bread, during any voyage aforesaid, the master and owner of such ship or vessel, shall severally pay to each and every passenger, who shall have been put on short allowance, as aforesaid, the sum of three dollars for each and every day they may have been on such short allowance, to be recovered in the same manner as seamen's wages are, or may be recovered.

Section IV. That the captain or master of any ship or vessel arriving in the United States or any of the territories thereof from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and if there be no cargo then at the time of making report or entry of the ship or vessel, pursuant to the existing laws of the United States, shall also deliver and report to the Collector of the District in which such ship or vessel shall arrive, a list or manifest of all the passengers taken on board of the said ship or vessel, at any foreign port or place, in which list or manifest, it shall be the duty of the said

master to designate, particularly the age, sex and occupation of the said passengers, respectively, the country to which they severally belong, and that of which it is their intention to become inhabitants, and shall further set forth whether any, or what number have died on the voyage, which report and manifest shall be sworn to by the said master in the same manner as is directed by the existing laws of the United States, in relation to the manifest of the cargo; and that the refusal or neglect of the master, aforesaid, to comply with the provisions of this section, shall incur the same penalties, disabilities and forfeitures as are at present provided for a refusal or neglect to report and deliver a manifest of the cargo, aforesaid.

Section V. That each and every collector of the customs to whom such manifest or list of passengers, as aforesaid, shall be delivered, shall quarter-yearly return copies thereof to the Secretary of State of the United States, by whom statements of the same shall be laid before Congress, at each and every session.*

An Act

To regulate the Carriage of Passengers in merchant vessels.

Passed February 22, 1847.

[Pamphlets, p. 19.]

Section I. That if the master of any vessel owned, in whole or in part, by a citizen of the United States of America, or by a citizen of any foreign country, shall take on board such vessel at any foreign port or place, a greater number of passengers than in the following proportion to the space occupied by them and appropriated for their use, and unoccupied by stores or other goods, not being the personal luggage of such passengers, that is to say, on the lower deck or plat-

* By 10th Section of Act of May 17, 1848, so much of the first Section of this Law as limits the number to two for every five tons, is repealed.

form,* one passenger for every fourteen clear superficial feet of deck, if such vessel is not to pass within the tropics during such voyage, but if such vessel is to pass within the tropics during such voyage, then one passenger for every twenty such clear superficial feet of deck, and on the orlop deck, (if any,) one passenger for every thirty such superficial feet, in all cases, with intent to bring such passengers to the United States of America, and shall leave such port or place with the same, and bring the same, or any number thereof, within the jurisdiction of the United States, aforesaid, or if any such master of a vessel shall take on board of his vessel, at any port or place, within the jurisdiction of the United States, aforesaid, any greater number of passengers than the proportions, aforesaid, admit, with intent to carry the same to any foreign port or place, every such master shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any circuit or district court of the United States, aforesaid, shall, for each passenger taken on board, beyond the above proportions, be fined in the sum of fifty dollars, and may also be imprisoned for any term not exceeding one year: *Provided*, That this act shall not be construed to permit any ship or vessel to carry more than two passengers to five tons of such ship or vessel.†

Section II. That if the passengers so taken on board of such vessel, and brought into or transported from the United States aforesaid, shall exceed the number limited by the last section, to the number of twenty in the whole, such vessel shall be forfeited to the United States aforesaid, and be prosecuted and distributed as forfeitures are, under the act to regulate duties on imports and tonnage.

Section III. That if any such vessel as aforesaid, shall have more than two tiers of berths, or in case, in such vessel, the interval between the floor and the deck, or platform beneath, shall not be at least six inches, and the berths well constructed, or in case the dimensions of such berths shall not be at least six feet in length, and at least eighteen inches in width for each passenger as aforesaid, then the master of said vessel, and the owners thereof, severally, shall forfeit and pay the sum of five dollars, for each and every passenger on board of

* Amended by Act of May 17, 1848, Section 8.

† This proviso repealed by the 10th Section of the Act of May 17, 1848.

said vessel, on such voyage, to be recovered by the United States as aforesaid, in any circuit or district court of the United States, where such vessel may arrive, or from which she sails.

Section IV. That for the purposes of this act, [*it shall in all cases be computed that two children,* each being under the age of eight years, shall be equal to one passenger, and that*] children under the age of one year, shall not be included in the computation of the number of passengers.

Section V. That the amount of the several penalties imposed by this act, shall be liens on the vessel or vessels violating its provisions, and such vessel may be libelled and sold therefor in the District Court of the United States aforesaid, in which such vessel shall arrive.

An Act

To amend an act entitled "An Act to regulate the carriage of passengers in merchant vessels," and to determine the time when said act shall take effect. Passed March 2, 1847.

[Pamphlets, p. 54]

Section II. That so much of said act, as authorizes shippers to estimate two children of eight years and under, as one passenger in the assignment of room, is hereby repealed.

* The words between brackets and in italics, are repealed by Section 2d of the Act of March 2, 1847.

An Act

To provide for the ventilation of passenger vessels, and for other purposes. Passed May 17, 1848.

Section I. That all vessels, whether of the United States or any other country, having sufficient capacity, according to law, for fifty or more passengers, (other than cabin passengers,) shall, when employed in transporting such passengers between the United States and Europe, have on the upper deck, for the use of such passengers, a house over the passage way leading to the apartment allotted to such passengers below deck, firmly secured to the deck, or combings of the hatch, with two doors, the sills of which shall be at least one foot above the deck, so constructed that one door or window in such house may, at all times, be left open for ventilation; and all vessels so employed, and having the capacity to carry one hundred and fifty such passengers, or more, shall have two such houses; and the stairs or ladder leading down to the aforesaid apartment shall be furnished with a hand rail of wood or strong rope: *Provided, nevertheless,* booby hatches may be substituted for such houses in vessels having three permanent decks.

Section II. That every such vessel so employed, and having the legal capacity for more than one hundred such passengers, shall have at least two ventilators to purify the apartment or apartments occupied by such passengers; one of which shall be inserted in the after part of the apartment or apartments, and the other shall be placed in the forward portion of the apartment or apartments; and one of them shall have an exhausting cap to carry off the foul air, and the other a receiving cap to carry down the fresh air; which said ventilators shall have a capacity proportioned to the size of the apartment or apartments to be purified; namely, if the apartment or apartments will lawfully authorize the reception of two hundred such passengers, the capacity of such ventilators shall each of them, be equal to a tube of twelve inches diameter in the clear, and in proportion for larger or smaller apartments; and all said ventilators shall rise at least four feet

and six inches above the upper deck of any such vessel, and be of the most approved form and construction; *Provided*, That if it shall appear, from the report to be made and approved, as provided in the seventh section of this act, that such vessel is equally well ventilated by any other means, such other means of ventilation shall be deemed, and held to be, a compliance with the provisions of this section.

Section III. That every vessel carrying more than fifty such passengers, shall have for their use on deck, housed and conveniently arranged, at least one camboose or cooking range, the dimensions of which shall be equal to four feet long and one foot six inches wide for every two hundred passengers; and provision shall be made in the manner aforesaid in this ratio for a greater or less number of passengers; *Provided, however*, And nothing herein contained shall take away the right to make such arrangements for cooking between decks, if that shall be deemed desirable.

Section IV. That all vessels employed as aforesaid, shall have on board, for the use of such passengers at the time of leaving the last port whence such vessel shall sail, well secured under deck, for each passenger at least fifteen pounds of good navy bread, ten pounds of rice, ten pounds of oatmeal, ten pounds of wheat flour, ten pounds peas and beans, thirty-five pounds of potatoes, one pint of vinegar, sixty gallons of fresh water, ten pounds of salted pork, free of bone—all to be of good quality, and a sufficient supply of fuel for cooking: but at places where neither rice, oatmeal, wheat flour, or peas and beans cannot be procured, of good quality, and on reasonable terms, the quantity of either or any of the other last named articles may be increased and substituted therefor; and in case potatoes cannot be procured on reasonable terms, one pound of either of said articles may be substituted in lieu of five pounds of potatoes; and the captains of such vessels shall deliver to each passenger at least one tenth part of the aforesaid provisions weekly, commencing on the day of sailing, and daily at least three quarts of water, and sufficient fuel for cooking; and if the passengers on board of any such vessel in which the provisions, fuel and water herein required shall not have been provided as aforesaid, shall at any time be put on short allowance during any voyage, the master or owner of any such vessel shall pay to each and every passenger who shall have been put on short allowance, the sum of three dollars for each and every day they may have been on such

short allowance, to be recovered in the circuit or district court of the United States; *Provided, nevertheless,* And nothing herein contained shall prevent any passenger, with the consent of the captain, from furnishing for himself the articles of food herein specified, and, if put on board in good order, it shall fully satisfy the provisions of this act so far as regards food; *And provided further,* That any passenger may, also, with the consent of the captain, furnish for himself an equivalent for the articles of food required in other and different articles; and if, without waste or neglect on the part of the passenger, or inevitable accident, they prove insufficient, and the captain shall furnish comfortable food to such passengers during the residue of the voyage, this in regard for food shall also be a compliance with the terms of this act.

Section V. That the captain of any such vessel so employed is hereby authorized to maintain good discipline, and such habits of cleanliness among such passengers as will tend to the preservation and promotion of health; and to that end, he shall cause such regulations as he may adopt for this purpose to be posted up before sailing, on board such vessel, in a place accessible to such passengers, and shall keep the same so posted up during the voyage; and it is hereby made the duty of said captain to cause the apartment occupied by such passengers to be kept at all times, in a clean, healthy state, and the owners of every such vessel so employed are required to construct the decks, and all parts of said apartment, so that it can be thoroughly cleansed; and they shall also provide a safe convenient privy or water-closet for the exclusive use of every one hundred such passengers. And when the weather is such that said passengers cannot be mustered on deck with their bedding, it shall be the duty of the captain of every such vessel to cause the deck occupied by such passengers to be cleansed with chloride of lime, or some other equally efficient disinfecting agent, and also at such other times as said captain may deem necessary.

Section VI. That the master and owner or owners of any such vessel so employed, which shall not be provided with the house or houses over the passage ways, as prescribed in the first section of this act, or with the ventilators, as prescribed in the second section of this act, or with the cambooses or cooking ranges with the houses over them, as prescribed in the third section of this act, shall severally forfeit and pay to the United States the sum of two hundred dollars, for

each and every violation of, or neglect to conform to the provisions of each of said sections, and fifty dollars for each and every neglect or violation of any of the provisions of the fifth section of this act, to be recovered by suit in any circuit or district court of the United States, within the jurisdiction of which the said vessel may arrive, or from which it may be about to depart, or at any place within the jurisdiction of such courts, wherever the owner or owners, or captain of such vessel, may be found.

Section VII. That the Collector of the Customs, at any port in the United States at which any vessels so employed shall arrive, or from which any such vessel shall be about to depart, shall appoint and direct one of the inspectors of the customs for such port to examine such vessel, and to report in writing to such Collector, whether the provisions of the first, second, third, and fifth sections of this act have been complied with in respect to such vessel; and, if such report shall state such compliance, and be approved by such Collector, it shall be deemed and held as conclusive evidence thereof.

Section VIII. That the first section of the act entitled "An Act to regulate the carriage of Passengers in Merchant Vessels," approved February twenty-second, eighteen hundred and forty-seven, be so amended that when the height or distance between the decks of the vessels referred to in the said section shall be less than six feet, and not less than five feet, there shall be allowed to each passenger sixteen clear superficial feet on the deck, instead of fourteen, as prescribed in said section; and if the height or distance between the decks shall be less than five feet, there shall be allowed to each passenger twenty-two clear superficial feet on the deck; and if the master of any such vessel shall take on board his vessel, in any port of the United States, a greater number of passengers than is allowed by this section, with the intent specified in said first section of the act of eighteen hundred and forty-seven, or if the master of any such vessel shall take on board, at a foreign port, and bring within the jurisdiction of the United States, a greater number of passengers than is allowed by this section, said master shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner provided for the punishment of persons convicted of a violation of the act aforesaid; and in computing the number of passengers on board such vessels, all children

under the age of one year, at the time of embarkation, shall be excluded from such computation.

Section IX. That this act shall take effect, in respect to such vessels sailing from ports in the United States, in thirty days from the time of its approval; and in respect to every such vessel sailing from ports in Europe, in sixty days after such approval; and it is hereby made the duty of the Secretary of State to give notice, in the ports of Europe, of this act, in such manner as he may deem proper.

Section X. That so much of the first section of the act entitled "An act regulating passenger ships and vessels," approved March second, eighteen hundred and nineteen, or any other act that limits the numbers of passengers to two for every five tons, is hereby repealed.

RULES

FOR THE

GOVERNMENT

OF THE

BOARD OF HEALTH,

ITS OFFICERS

AND

COMMITTEES.

RULES

OF THE

BOARD OF HEALTH.

I. The Board shall be organized by the election of a President, Secretary, and Treasurer, and shall at the second meeting in October annually, elect a Solicitor, Clerk, Messenger and Assistant Messenger, Runner, Physician and Matron to the City Hospital, and Steward of the Lazaretto.

II. The Board shall hold stated meetings once a week, from the first day of October until the first day of June, and at least once in every day, Sundays excepted, between the first day of June and the first day of October, in every year.

III. The Board may be specially convened by order of the President or any two of the members.

THE PRESIDENT.

IV. The President shall preside at the meetings of the Board, preserve order and decorum, sign all orders on the Treasurer, and appoint the members of committees, unless otherwise directed.

V. In the absence of the President a Chairman for the meeting shall be appointed.

THE SECRETARY.

VI. The Secretary shall keep accurate minutes of the proceedings of the Board in a book provided for that purpose; attest all orders on the Treasurer, and conduct such correspondence as the Board may direct and approve.

RULES OF THE THE TREASURER.

VII. The Treasurer shall give bond with sureties, as is required of the County Treasurer.

VIII. He shall receive all monies belonging to the corporation, and pay and disburse the same upon the order of the Board, signed by the President and attested by the Secretary.

IX. He shall keep fair and just accounts of his receipts and expenditures, and furnish extracts thereof whenever the Board shall require the same; and shall once in every year, his accounts having been allowed by the Board, publish the same in one or more newspapers of the city of Philadelphia.

X. He shall report to the Board, in writing, on the first Wednesday in every month, the amount of funds remaining in his hands.

THE SOLICITOR.

XI. The Solicitor shall give professional advice to the Board, attend to all suits in which the Board may be concerned, and draw up all documents required by the Board.

THE CLERK.

XII. The Clerk shall transcribe the minutes taken by the Secretary into a fair Minute Book.

XIII. He shall keep a record of all monies received by the Board and of all orders drawn on the Treasurer.

XIV. He shall keep a list of all coasting vessels subject to health fees, the arrival of which is reported in the marine lists of the daily papers.

XV. He shall make out the weekly bills of mortality, every Saturday, for publication, under the direction of the committee on said bills, and register the same in a suitable book.

XVI. He shall keep a register of births, as returned by the different practitioners of midwifery in the city and districts.

XVII. He shall insert in a letter book, copies of all communications written by the Secretary to the officers of the Lazaretto, and

also keep copies of all agreements and letters made or written by order of the Board, and such other documents as the Board may direct.

XVIII. He shall copy, in a book to be provided for the purpose, all resolutions not of a temporary nature, that may be hereafter passed by the Board, with marginal notes.

XIX. He shall notify the chairmen of all committees, of the business referred to them by the Board.

XX. He shall fill up notices to remove nuisances, and file copies of the same.

XXI. All notices for removing nuisances shall have appended to them that part of the 27th section of the General Health Law imposing a penalty for neglect or refusal to remove such nuisance.

XXII. He shall keep an account of the interments in Blockley and Cherry Hill Burial Grounds, and pay over to the Health Officer all monies received for such interments.

XXIII. He shall issue, agreeably to the form adopted by the Board, permits for removing the contents of privies; and for every permit he shall issue between the first day of October and the first day of June, he shall receive for the use of the Board, from the person applying for the same, the sum of fifty cents, and for every permit issued by him between the first day of June and the first day of October, upon application made to, and approved by the Board, or in consequence of an order of the Board to abate a nuisance, he shall receive for the use of the Board, the sum of five dollars: but should any privy be declared to be a nuisance by the Board, between the first day of October and the first day of June, the charge for such permit shall be one dollar; and in the case of permits granted by the Board for removing the contents of privies which are in the way of building, or of improvements which cannot be effected without such removal, as also for removing the contents of privies which have become accidentally a nuisance to the house to which they are attached, or to the neighborhood, the charge for such permits at all seasons of the year, shall be fifty cents. And whenever this Board shall order a privy well or sink to be cleansed, and it shall appear to the satisfaction of the Board that the same has become full from accident, and that all due attention has been given by the owner to keep the same clean, then the same shall be done under the winter regulations.

XXIV. He shall give certificates of the number of loads received at the Poudrette lots upon each permit issued.

XXV. He shall grant licenses under the rules of the Board, when the character of the applicant and his ability to perform the duties required by law, shall have been approved by them, for each of which he shall receive for the use of the Board, the sum of one dollar, and he shall renew the said licenses from time to time, as the Board may direct, upon the payment of the like sum.

XXVI. The Health Officer shall have all privy carts numbered on the right side with the number of the license, in white figures at least one foot long by two inches wide, on a black ground at least eighteen inches square, and he shall cause the number of the cart to be painted in like manner on the left side, which numbers shall always be kept clean and legible; and when the above regulations are complied with, the Clerk shall issue a license to the applicant, he being first approved of by the Board, and shall register and number the license.

XXVII. The Clerk shall grant orders for the admission of small-pox patients into the City Hospital, (he being first furnished with the usual certificate of a physician,) upon satisfactory security being given to him for the payment of the board and medical attendance of the said patients.

XXVIII. Whenever any bill is referred to the Health Officer for collection, it shall be the duty of the Clerk to enter the same together with a full description of the claim upon which the said bill is founded, upon a docket kept for that especial purpose, and to note opposite to the said entry such action as may be taken, from time to time, in relation thereto, until the final settlement of said claim. And it shall be the duty of the Committee of Accounts to examine monthly, the said docket, in order to see that it is regularly kept, and that the recovery of no claim therein recorded is in any way impeded or prevented by neglect on the part of the Board or of its officers.

XXIX. When application is made for a permit to land hides, the Clerk shall direct the Inspector of Vessels to examine said hides, and if he reports them to be sound, a permit is forthwith to be issued; but if he reports them to be unsound, the same shall be referred to the Board for their action.

XXX. He shall keep an accurate account of all carriages ordered for the use of the Board.

XXXI. He shall perform such other services as the Board may direct.

MESSENGERS.

XXXII. The Messenger or Assistant Messenger shall once, in each and every year hereafter, leave with each practitioner of midwifery in the city and districts, twelve blank monthly schedules, on which they shall return the number of births and the sex and colour of the children born, which reports signed by the said practitioners, shall be collected monthly by the Messenger or Assistant Messenger.

XXXIII. They shall examine all nuisances complained of, when of an important nature, or when directed so to do by the Board or any member, and make an accurate report in writing, relating thereto, and shall take such order on them as the Board may from time to time direct.

XXXIV. In all reports made by the Messenger or Assistant Messenger upon complaints of nuisances, consisting of stagnant water upon lots, he shall present an estimate of the probable expense of removing the said nuisance.

XXXV. They shall serve notices on the persons directed to remove nuisances; and at the expiration of the allotted time, they shall report whether the same be complied with or not.

XXXVI. They shall serve notices on the members to attend meetings of the Board or of Committees, and perform such other services as may be required of them, and when not engaged in any out-door duties, they shall remain at the Health Office while it is open.

XXXVII. Neither the Messenger, Assistant Messenger, nor Runner, shall leave the Office during business hours, without permission or direction of the Clerk or a member of the Board, and in either case, he shall make a memorandum upon a slate or in a book to be kept for that purpose, of the particular errand upon which he may leave the office, also of the time at which he left.

XXXVIII. The salary of the Messenger shall be forty dollars per month, and the Assistant Messenger shall be allowed for his services, thirty-five dollars per month, except the months of June, July, August and September, when he shall be allowed forty dollars per month.

RUNNER.

XXXIX. The Runner shall attend to keeping the office, rooms, furniture, &c. of the Board, always in good and complete order, perform errands for the members and officers, and such other duties as the Board may from time to time, direct : He shall receive, as a compensation for his services, the sum of twenty-five dollars per month.

COMMITTEES.

XL. The following Standing Committees shall be appointed annually, at the first meeting after the organization of the Board :

1. Sanatary Committee, consisting of 7 members.

2. Committee on the Lazaretto, 7 “

3. “ of Accounts, 5 “

4. “ on Office, 3 “

5. “ on Poudrette, 7 “

6. “ on Burial Grounds, 5 “

7. “ on Bills of Mortality, 2 “

8. Committees on Nuisances, as follows :

For the Northwest District, embracing Spring Garden and Penn District, 4 members.

For the Northeast District, embracing Kensington, the Northern Liberties and Richmond, 4 members.

For the Northern City District, embracing the City north of Chestnut street, 3 members.

For the Southern City District, embracing the City south of Chestnut street, 3 members.

For the Southern District, embracing Southwark and Moyamensing, 3 members.

XLI. When any nuisance is referred to a committee with power to act thereon, the said committee shall report in writing what action they have taken in relation to it.

XLII. Each Standing Committee shall direct all expenditures that may be necessary to carry out the object of its appointment, provided the same shall not exceed fifteen dollars ; but no contract shall be made for any amount over that sum, unless first approved and directed by the Board.

XLIII. The minutes of all Committees shall be read at any meeting of the Board, upon the call of a member.

COMMITTEE OF ACCOUNTS.

XLIV. All bills, being first certified as correct by a majority of the Committee by whose order the bills were incurred, shall be presented to the Board, and by it referred to the Committee of Accounts for examination, previously to an order being passed for their payment.

XLV. The monthly accounts of the Health Officer shall, when presented to the Board, be referred to the Committee of Accounts; and in the adjustment and settlement of the same, the Committee shall compare the said accounts for each month, from the first day of June to the first day of October annually, with the bills of inquiry transmitted to the Board by the Lazaretto Physician, with the monthly list of vessels permitted up by the Board without bills of inquiry, and with the monthly list of coasting vessels, the health fees of which have been paid to the agents of the Board; and from the first day of October to the first day of June annually, the Committee of Accounts shall compare the accounts of the Health Officer with the monthly list of vessels visited by the Port Physician, and the Clerk's list of vessels subject to health fees but not liable to a visit from the physician of the port.

XLVI. In reporting the monthly account of the Health Officer to the Board, the Committee of Accounts shall certify its agreement with the above specified vouchers; or should it be found not to agree therewith they shall state the particulars in which the discrepancy consists; and it shall be the duty of the Board to take such order thereon as they may deem just and proper.

COMMITTEE ON OFFICE.

XLVII. The Committee on Office shall have the charge and general superintendence of the building occupied as the Health Office, and of the fixtures and furniture belonging thereto; and they shall direct to be procured all the necessary supplies for the use of the said office, and for the accommodation of the Board at its meetings.

COMMITTEE ON POUDRETTE.

XLVIII. The Poudrette Committee shall have the general care of the Poudrette pit, so far as may be necessary to the carrying into effect the rules and regulations of the Board for its government, and for keeping in good order and repair the property of the Board.

COMMITTEE ON BILLS OF MORTALITY.

XLIX. The duties of the Committee on Bills of Mortality shall be to assist the Clerk with their advice in the publication of the said bills, and the annual statement of deaths, and generally to superintend the preparation and publication of the same.

L. The said committee shall furnish the following form of certificate for deaths to the physicians of the city and liberties, with a request that they would make use of the same in reporting the cases of deaths which may occur among the patients under their care.

CERTIFICATE.

Philadelphia,

18

residing at No.

Street, died

this day of

aged

years.

Color | Occupation | Married or Single | Native of | Has resided in Philadelphia.
M. D.

HEALTH OFFICER.

LI. The Health Officer shall pay over to the Treasurer on the first Wednesday in every month, all monies received by him during the preceding month, and render an account of the same to the Board at its first meeting in the month.

LII. He shall compare the monthly accounts of the Inspectors of vessels with the list kept by the Clerk of coasters subject to health fees, and shall report monthly to the Board any differences which exist between the list of the Clerk and the monthly list of said Inspectors, and the Board may take such order in regard to the same as they shall deem just and proper.

LIII. He is required to furnish to the Board, at its first meeting in every month, a list of all accounts placed in his hands for collection, stating what action has been had thereon individually, and communicating such other information in relation thereto, as he may be in possession of.

LIV. He is required to enter daily, upon the office registers all vessels to which he shall give certificates, upon the same days on which the said certificates were granted.

LV. A cash book shall be kept by the Health Officer, in which entries shall be made daily, as the receipts occur.

LVI. In all business referred to the Health Officer by this Board, it is his duty to take legal proceedings in relation to the same, only in conjunction with the Solicitor.

LVII. Whenever the Board shall direct the Health Officer to have a vessel sent down to the Lazaretto, he is required to see and be certain that the said order of the Board is immediately and strictly complied with.

LVIII. The Health Officer shall receive from the captains, owners, or consignees of such vessels as are required by law to pay the outer channel fee, the entire amount of the said fee, and pay the same over to the Treasurer of the Board.

LIX. Whenever this Board directs a nuisance to be removed under the supervision of the Health Officer, or any agent of the Board, the said agents or Health Officer shall not employ any person who is or may be under any prosecution for any violation of the health laws.

PORT PHYSICIAN.

LX. On the last Wednesday of every month, from the first day of October to the first day of June, the Port Physician shall file with the Clerk of the Board a list of all foreign vessels boarded by him during the month.

LXI. The Board cannot permit the Port Physician, under any circumstances, to perform his duty by deputy, unless by their express vote and approval of the person to act as his deputy.

INSPECTORS OF VESSELS.

LXII. At the first meeting of the Board in the month of May annually, there shall be appointed an Inspector of Vessels for the Dela-

ware, and an Inspector of Vessels for the Schuylkill, whose duty it shall be to see that no hides or fish, nor any sick person is landed from any vessel in either river without the special permit of the Board of Health. They shall likewise demand and collect from the captain, owner, or consignee of all vessels arriving in either river during quarantine season, which are not required to stop at the Lazaretto, the health fee with which by law they are respectively chargeable, and pay the same over to the Health Officer. Previous to entering upon his duties, each Inspector shall give security for their faithful performance, in the sum of one thousand dollars.

LXIII. Each Inspector shall receive per month during the quarantine season, the sum of thirty-five dollars, as a full compensation for all his services.

BURIAL GROUNDS.

LXIV. There shall be appointed, at the first meeting of the Board in April of every year, a Superintendent for each of the Burial Grounds under the charge of a Committee.

LXV. The Superintendents shall not suffer any interment in their respective grounds without a permit for the same from the Clerk of the Board.

LXVI. The Superintendents shall make a return to the Clerk of the Board, on the Saturday of each week, before twelve o'clock, M., of the interments which shall have been made in their respective grounds during the week.

LXVII. The Superintendent of the Blockley ground shall receive one dollar from the Clerk of the Board for each interment which shall take place in that ground.

LXVIII. The Clerk of the Board shall receive for the use of the Board, for each permit granted by him, the sum of two dollars: *Provided*, that permits shall be granted, without charge, for interments from any hospital under charge of the Board.

LXIX. No grave shall be dug in the Blockley ground, except by the person or persons appointed for that purpose by the Superintendent of that ground; and not more than one dollar shall be charged for the digging of any grave in said ground.

BILLS OF HEALTH.

LXX. It shall be the duty of the President and Secretary to furnish, under their hands and the seal of the Board, bills of health to vessels sailing from the port of Philadelphia, whenever the same shall be applied for: *Provided always*, that no contagious or malignant disease is prevailing at the time.

LXXI. For every bill of health so furnished, the Clerk shall receive, for the use of the Board, the sum of one dollar.

DISINTERMENT OF BODIES.

LXXII. The removal of any body from its place of original interment is declared to be a nuisance, and is prohibited, unless the same be done under the direction and by permission of the Board. For every permission granted for such removal, the Clerk shall receive, for the use of the Board, fifty cents.

HOG PENS.

LXXIII. The location of pens for hogs is declared to be a nuisance within the City of Philadelphia, in the Incorporated District of the Northern Liberties, in Spring Garden east of Broad Street, in Moyamensing north of Federal Street and east of Broad Street, and in that portion of the District lying west of Broad Street and east of Long Lane north of Christian Street, in all that portion of the District of Southwark north of Federal Street, together with that portion of the District lying east of the Moyamensing Road between Federal and Reed Streets, in Kensington south of Master and Hanover Streets, and in Penn District east of Schuylkill Sixth Street and south of Master Street.

EXPENSE OF REMOVING NUISANCES.

LXXIV. In all cases in which nuisances are removed under the superintendence of the Health Officer, a charge shall be made for every incidental expense incurred in the removal of said nuisance, including superintendence, &c.

COMMUNICATIONS.

LXXV. No communication shall be received from the Officers or servants of the Board, or any other person whatever, unless the same be in writing and directed to the Board, or through their President or Secretary, officially.

RULES OF BOARD TO BE READ QUARTERLY.

LXXVI. It shall be the duty of the Secretary, at the first stated meetings of the Board held in the city of Philadelphia, in the months of January, April, July, and October to read all alterations and additions that may have been made to the printed rules and regulations for the government of the Board, its Officers and Committees, during the preceding three months.

RULES OF ORDER.

I. The order of business shall be as follows :

1. A quorum (i. e. nine members) being present, the President shall take the chair, and call the Board to order.

2. The minutes of the last meeting shall be read, and if necessary corrected and adopted.

3. Communications may be presented and disposed of, *provided, however*, that from the first of June until the first of October, business appertaining to the Lazaretto shall have the precedence.

4. Reports of committees may be made and considered.

5. Resolutions may be offered and discussed.

II. When a member is about to speak in debate, or to communicate any matter to the Board, he shall rise and respectfully address himself to "Mr. President," confining his remarks to the subject before the Board.

III. The President shall not speak on any question before the Board while in the chair; should he desire to engage in debate, he must call another member to the chair.

IV. If any member, in debate transgresses the rules of the Board, the President shall, or any member may, through the President, call him to order; the member so called, shall immediately sit down, unless permitted to explain.

V. On questions of order there shall be no debate, except on an appeal from the decision of the President, sustained by two members.

VI. No member, when speaking, shall be interrupted, unless by a call to order, or by a member to explain, or by a motion for the previous question.

VII. No member shall speak more than twice on the same question, without leave of the Board.

VIII. Every motion made and seconded, shall be distinctly announced from the chair, before any debate on it can take place; and when the discussion is closed, the President shall put the question in the following form: "As many as are in favour of the motion say Aye;" and after the affirmative is expressed, he shall reverse the question thus: "As many as are of the contrary opinion, say No." But the President or any member may call for a division of the Board, when the President shall again put the question distinctly in the following manner: "As many as are in the affirmative will rise," and when he has announced the number in the affirmative, he shall put the opposite side of the question: "As many as are in the negative will rise." Two members may require the yeas and nays on any question, and have them entered on the minutes; but the President shall always vote last.

IX. A motion shall be committed to writing, at the request of any member.

X. A motion may be withdrawn by the mover and seconder before amendment or decision, and if withdrawn, the proceedings had thereon shall not appear on the minutes.

XI. A member may call for a division of the question, if it comprehends distinct questions.

XII. No business regularly before the Board shall be interrupted, except by motion for adjournment, for the previous question, viz: "Shall the main question be now put?" and which shall be decided without debate; or for postponement, for commitment, or for amendment.

XIII. A motion for the previous question must be sustained by at least four members, and shall be decided without debate.

XIV. A motion for postponement shall preclude commitment; that for commitment shall preclude amendment or decision on the original subject.

XV. No motion for reconsideration shall be received, unless made and seconded by members who voted in the majority, nor unless offered within two stated meetings of the one at which the decision was had on the original question.

XVI. When a blank is to be filled, the question shall be taken on the largest sum, greatest number, and remotest day.

XVII. Corrections to the minutes may be moved by any member at the ensuing meeting, provided it shall be shown that the said corrections are required in order to render the minutes an accurate detail of the business transacted at the meeting.

XVIII. When cases occur not provided for in the above rules, the practice and rules laid down in Matthias's Manual shall govern.

XIX. No rule shall be suspended, rescinded, or altered, except by a vote of two-thirds of the members present, unless the same shall have been proposed at a previous stated meeting.

RULES

FOR THE GOVERNMENT OF THE

SANATARY COMMITTEE AND CITY HOSPITAL.

I. To the Sanatary Committee shall be entrusted, subject to the general superintendence, orders and by-laws of the Board, the exercise and performance of those powers and duties vested by law in the Board of Health, so far as relates to the prevention and spread of contagious diseases, (see Section 18th of the General Health Law,) and likewise the management of the City Hospital, and such temporary hospitals as the Board shall at any time order to be opened, *provided* that no important addition, alteration, or improvement be undertaken in relation to the same without the sanction of the Board.

II. The said Committee shall hold stated meetings once every month, and special meetings upon the call of the Chairman, or of any two members of the Committee. The Clerk of the Board shall regularly notify the members of the Committee of the said meetings on the day preceding.

III. At the first stated meeting subsequent to their appointment, the Committee shall elect from among themselves, a Secretary, who shall keep in a book provided for that purpose, fair minutes of all their proceedings, and present the same to the Board at its next meeting.

IV. The Matron for the City Hospital shall be liable to removal by the Board, at any time, upon the recommendation of the Sanatary Committee; she shall have apartments in the Hospital for the accommodation of herself and family, receive fifteen dollars per month for her own services, two dollars per week for the board of servants and

nurses, and one dollar and fifty cents per week for the board of each patient.

V. The Committee shall cause every reported case of malignant or contagious disease existing within the limits of the jurisdiction of the Board of Health, to be visited without delay, and shall be authorized to take such other measures in relation thereto, as a majority of its members shall deem proper.

VI. Whenever a report shall be received at the Health Office, that any case of malignant or contagious disease has occurred within the limits of the jurisdiction of the Board of Health, one of the members of the Committee, or should no member be present, the Clerk of the Board shall forthwith give notice thereof to the Port Physician or any other physician appointed to inquire into the nature of the case, who shall visit the same and send to the Health Office without delay, a written report in relation thereto. If the report of the physician be such as to require the attention of the Committee, the Clerk shall notify the members of the same immediately.

VII. When necessary, the Board shall appoint one or more physicians to perform the duties specified in the preceding section, and shall determine the compensation to be paid for the services of the same.

VIII. Whenever the Board, upon a representation from the Sanatary Committee, shall determine it to be expedient to provide and hold in readiness any temporary hospital or hospitals, the Committee shall select the location of the same, and put them in readiness to be opened as soon as they shall be required.

IX. As soon as practicable after the Board has determined to provide temporary hospitals, the Sanatary Committee shall arrange and submit to the Board for its approbation, a plan of Hospital operations, so that every thing may be conducted calmly, economically, and efficiently, from the day the hospital shall be opened.

X. The Physician for the City Hospital shall receive at the rate of two hundred dollars per annum for his services, so long as the same shall be requisite.

XI. The Committee shall appoint one male servant for the Hospital, whose duty it shall be to take care of the horses belonging to the institution, to drive the carriage, either for the conveyance of patients, or for the burial of the dead, and to perform such other services as may be required of him by the Matron or Committee.

XII. The Committee shall appoint one female servant, whose duty it shall be to wash, iron and scrub, and to perform such other domestic services as may be required of her by the Matron; and also one nurse for every five patients at any one period in the wards of the Hospital. The Committee shall determine what wages are to be paid to each of the nurses, and the male and female servants, in addition to their board in the Institution.

XIII. All requisitions for medicines and hospital supplies shall be made in writing, upon the Chairman of the Committee, by the physician in attendance, and for all other articles necessary for the proper conducting of the Institution, a requisition in writing shall be made by the Matron.

XIV. No patient shall be admitted into the City Hospital, under any circumstances whatever, excepting upon an order signed by a member of the Board, the Clerk, or the Port Physician, excepting pauper patients, who may be received upon an order of the Guardians of the Poor, endorsed by the Clerk or a member of the Board. The rate of board to be paid by the patients shall be fixed by the Sanatary Committee, agreeably to the provisions of the health law.

XV. At its first meeting in May and November annually, the Committee shall take an inventory of all the household goods and other property belonging to the Hospital, and shall present a copy of said inventory to the Board.

PHYSICIAN.

XVI. The Physician shall visit the Hospital once every day, or oftener, if the circumstances of the patients shall, in his opinion, require it.

XVII. He shall have the entire direction of the medical treatment of the patients.

XVIII. He shall record, in a book to be provided for the purpose, the name of every patient, with the date of admission, the age, sex, color, disease, and such other matters as he or the Committee may consider important or interesting.

XIX. He shall make a monthly report to the Sanatary Committee, stating the number of patients admitted since the last report, with the deaths, recoveries, and such other information as he or the Committee may think requisite.

RULES OF THE MATRON.

XX. The Matron shall superintend the management of the Institution, and see that it is conducted with the greatest possible regularity, cleanliness and economy.

XXI. She shall visit all the wards at least twice a day, and shall ascertain from the patients, whether their medicines are regularly administered, and whether they are properly attended and well used by the nurses. She shall also inquire into the conduct of the patients.

XXII. She shall take care that each patient has the diet prescribed, superintend its preparation, and have it served at a regular stated hour.

XXIII. She shall, in no instance, permit intoxicating liquors, or any provisions to be given to the patients, except by the direction of the physician.

XXIV. She shall invariably treat the patients with kindness and civility ; and never suffer any degree of cruelty, insolence, neglect, or unkindness in the nurses or servants towards them to pass unnoticed.

XXV. She shall employ no patient in the work of the house without the consent of the physician, nor in any case contrary to the will or desire of the patient.

XXVI. In case of the neglect or improper behaviour of nurses, servants, or patients, she shall complain to the Physician, or Sanitary Committee.

XXVII. She shall take charge of the effects of all patients who may be admitted into the Institution, and return them to the owner when discharged ; or, in the event of the decease of the patient, a report of such effects shall be made to the Sanitary Committee.

XXVIII. She shall be required to make a written report to the physician, every morning, of any deaths that may have occurred since his last visit, and of any occurrence that may require his notice.

THE NURSES.

XXIX. The Nurses shall suffer no foul linen or bed clothes to remain in the wards, but shall take them to a place to be designated by the Matron. Whenever a patient is discharged, the bed clothes shall immediately be cleansed, the bed exposed to the external air, and when circumstances require it, newly stuffed or destroyed : the sheets shall be changed twice a week, and the shirts three times a week, except in

cases where more frequent changes are deemed necessary by the Physician.

XXX. The Nurses shall scour their respective wards with soap and warm water, or ley, every Friday, before 8 o'clock, A.M. from the first of March until the first of December, and before 9 o'clock, A. M. from the first of December until the first of March; and they shall mop their respective wards once a week, on an intermediate day, before the same hours, or oftener when necessary, and keep the wards clean in the meantime, by sweeping.

XXXI. They must not, on any account, neglect to administer the medicines punctually as prescribed, and remove, as soon as possible, all empty phials, boxes, &c.

XXXII. The close-stool pans are to be scalded every morning, and scoured every Tuesday and Friday, and kept out of the wards during the day, except in cases of absolute necessity.

XXXIII. The most implicit obedience to the orders of the Physician and Matron will be exacted from the Nurses, and they shall not neglect, quarrel with, nor manifest any unkindness to the patients on any pretence whatever.

PATIENTS.

XXXIV. Persons afflicted with yellow fever, small pox, malignant typhus, or malignant cholera, shall be received into the Hospital.

XXXV. No patient shall be permitted to leave the Hospital until furnished with a regular discharge from the physician.

RULES

FOR THE

GOVERNMENT OF THE LAZARETTO.

I. The Lazaretto shall be under the management of the Lazaretto Committee.

II. The Committee shall at its first meeting, elect from among its own number a Secretary, who shall keep a full and accurate record of its proceedings.

III. It shall hold stated meetings monthly, and special meetings as often as occasion may require.

IV. Previously to the first of June, the Committee shall select six Bargemen to serve at the Lazaretto during the ensuing quarantine season, which selection shall be subject to the approval of the Board.

V. The Committee shall take an inventory of the effects of the Board at the Lazaretto, at its first meeting in June and October, or whenever directed by the Board.

LAZARETTO PHYSICIAN.

VI. During the entire quarantine season, the Lazaretto Physician is required to confine himself within the bounds of the Lazaretto. On any important occasion, however, by application to the Board, a warrant for his absence, during a limited period, may be obtained. But the right will always be reserved by the Board to judge as to the propriety of his absence, and to refuse to permit it under any circumstances, should they consider that it would interfere with his official duties.

VII. He is required to hold himself in readiness to visit without delay, all vessels that come to at the Lazaretto, between sunrise and sunset, whether in the inner or outer channel. No visit is to be delayed on any consideration whatever, provided the wind and weather will permit it to be made without danger to the boat and its crew.

VIII. On boarding a vessel, before administering to the captain the oath or affirmation required by law, he shall assemble the crew and passengers on deck, and examine personally into the state of their health; such as may be sick, to be visited below. In this manner he shall ascertain that all on board are free from sickness, and correspond in number with the captain's statement.

IX. Such vessels as upon a close examination made in conjunction with the Quarantine Master, he shall ascertain to have arrived from healthy ports, with healthy crews, to be in a perfectly clean condition, to have a sound cargo, not liable to produce infection, should it be allowed to enter the city, and that no person has died on board during the voyage, of any malignant, contagious or otherwise suspicious disease, he shall at once permit up, giving to the master thereof a certificate of the facts, directed to the Health Officer. In every case, previously to permitting a vessel to pass up, he is required to ascertain that the bilge water has been changed by pouring in fresh water into the pumps, and continuing to work them until nothing but pure water is discharged. No vessel whatever is to be permitted up, until the bilge water is rendered entirely pure.

X. All vessels not answering to the above description, he shall detain at the Lazaretto, and await the orders of the Board in relation to them. Sick persons, however, are to be landed without delay; ventilation of the hold, cabin, and forecabin, at once commenced, and all articles of an offensive nature taken from on board.

XI. Whenever he shall have any doubt as to the propriety of permitting up a vessel, he may detain her until he receives orders from the Board.

Great discretion and judgment must be exercised by the Lazaretto Physician in deciding the question, as well of permitting up as of detention; for while it is important that nothing be permitted to enter the city that may create alarm or excite disease, as little interruption as possible must be given to the commerce of the port.

XII. In his inspection of vessels, the Lazaretto Physician is required to be perfectly minute, strict and accurate, as the Board will hold him responsible for all violations or evasions of the health law, evidently arising from his inattention or neglect.

XIII. All vessels coming from ports in the United States, north of Sandy Hook, which shall have for their cargoes plaster, salt, brimstone, and iron only, and no other articles of foreign produce or manufacture, shall be allowed to proceed to the city without being subjected to a visit from the Lazaretto Physician, as in the opinion of this Board these articles are not capable of containing contagion.

XIV. He is required to transmit daily to the Board, the bills of inquiry of all vessels visited by him, and also a letter containing a list of the vessels visited, their masters' names, the ports from whence they came, and the nature of their cargoes, together with such remarks as he may deem necessary for the information of the Board.

XV. When vessels are detained under quarantine, or for purification, or when sick persons are removed from on board into the Hospital, he is required to transmit to the Board daily, an account of every thing done in relation to the said vessels, as well as the state of the several patients treated in the Hospital.

XVI. In conjunction with the Quarantine Master, he is required to visit and inspect, daily, every vessel under quarantine, or undergoing purification.

XVII. So soon as vessels have completed their quarantine, or have been fully cleansed and purified, and whenever any sick person in the Hospital is entirely recovered, he shall inform the Board thereof, and await their orders before the vessels are permitted up, or the patient discharged from the Lazaretto.

XVIII. Vessels sent down from the city by order of the Board, or for purification, are to be proceeded with in the same manner as though they had stopped at the Lazaretto in their passage up.

XIX. The sick in the Hospital are to be carefully attended, to the best of his skill and abilities, and to be made as comfortable as circumstances will permit.

XX. He shall register in a book to be provided for that purpose, the names of all patients received into the Hospital, with their ages, sex and colour, the vessel from whence landed, the name of their disease, and the time of their admission, and of their discharge or death.

XXI. His prescriptions are invariably to be entered at length, in the prescription book, and his directions as to diet and regimen, in the diet book, for the use of the Steward and Nurses.

XXII. Whenever medicines, hospital stores, or any thing else are wanted, which may, in his opinion, be necessary for the proper treatment and comfort of the sick, or which may conduce to the advantage of the Institution, he will communicate the same to the Board, or to the Lazaretto Committee.

XXIII. So often as he shall deem the same necessary, he shall direct the Steward to have the Hospital cleansed and ventilated.

XXIV. All violations of the Health Law which come under his notice, and any manifest neglect of duty he may detect on the part of any officer or servant attached to the Lazaretto, he is required at once to communicate to the Secretary of the Board.

XXV. At the termination of each month of the quarantine period, he shall report to the Board a list of vessels passed up.

XXVI. He is not to permit any person to enter within the bounds of the Lazaretto, or to leave the same during the quarantine season, nor any person during the said period to land at the wharf, or United States property attached to the Institution, without a special permit of the Board, communicated to him in writing.—And should any person enter, leave or land as aforesaid, without a permit as above, he is required to communicate the fact to the Board, that the persons so offending may be dealt with according to law.

The United States stores, and the ground and houses occupied by the Inspector are included within the quarantine bound, and subject to the same rules and regulations as the Lazaretto proper.

XXVII. The Bargemen are placed under the direction of the Lazaretto Physician and Quarantine Master conjointly, so far as regards any duties appertaining properly to their station, or which may be necessary for the preservation of the Board's property at the Lazaretto; but the Lazaretto Physician is not to require them to perform any services for himself, individually, or for his family.

XXVIII. The Lazaretto Physician shall deliver to the Quarantine Master daily, at or before the hour for closing the mail, the letters and documents which he is required to transmit to the Board, in order that they may be enclosed in the mail-bag; any letters he may wish to send to his friends, or others in the city, he will also deliver at the

same time. In no case is any letter or note to be sent up by the mail carrier; small packages and bundles may however be sent by the latter.

XXIX. Whenever any doubt or difficulty may arise in his mind as to the proper meaning or operation of any part of the said law, he shall state the same in a communication to the Board, and await their decision.

XXX. All letters and communications made by him to the Board, are to be sealed up and addressed to the Secretary, in his official capacity.

XXXI. Such other orders and regulations as the Lazaretto Physician may be called upon to obey, will be transmitted to him, from time to time, by the Secretary of the Board.

QUARANTINE MASTER.

XXXII. The Quarantine Master is required, whenever the wind and weather will permit, to visit without delay, in conjunction with the Lazaretto Physician, all vessels which shall come to at the Lazaretto, between sunrise and sundown, whether in the outer or inner channel, to examine carefully into the condition in regard to cleanliness of the hold, cabin, and forecastle of such vessels, to have the bilge water pumped out, and by the introduction of fresh water, to purify, completely, the run and limbers of the said vessels, and also, to ascertain whether any part of the cargo is in a damaged or infectious condition, and to report the result of his examination to the Lazaretto Physician.

XXXIII. He shall take charge of the boats belonging to the Lazaretto, together with their furniture and tackling, see that they are kept in proper order and condition, and at all times fit for immediate service; have them properly moored when not in use, so that they shall neither be damaged nor lost, and at the termination of the quarantine season, have them carefully removed from the water to the storehouse, and there well secured.

XXXIV. The Bargemen are placed under the direction of the Quarantine Master and Lazaretto Physician conjointly, in all things relating to their proper duties; but the Quarantine Master is especially required to ascertain whether they conduct themselves with decorum and sobriety, that they keep their persons and clothing clean, and that they are attentive and punctual in the performance of their duties. He is

not to require them to perform any services for himself individually, or for his family.

XXXV. He shall have the flag hoisted on the flag-staff daily, at sunrise, and carefully taken down and deposited in its case at sunset.

XXXVI. He shall have a watch set in front of the station during the night, and generally preserve order in and about the Lazaretto, and enforce obedience to, and prevent, as far as it lies in his power, any neglect, evasion, or violation of the health law, or of the rules, resolutions and ordinances of the Board.

XXXVII. He is required to remain within the bounds of the Lazaretto, during the whole quarantine season, unless by permission of the Board; and he is to be always in readiness to accompany the Lazaretto Physician in his official visits, and to aid him, to the best of his abilities, in the performance of his duties.

XXXVIII. He is not to permit any one to enter into, or leave the bounds of the Lazaretto or Quarantine station, or to land at the wharf or United States property attached to the institution, on any pretext whatever, during the Quarantine season, unless by the special permission of the Board communicated to the Lazaretto Physician in writing. And if any person should enter, leave, or land as aforesaid, without such permit, he is required to communicate the fact to the Board, that the person so offending may be dealt with according to Law.

XXXIX. All violations or evasions of the health law which come under his notice, and any manifest neglect of duty he may detect on the part of any officer or servant attached to the Lazaretto, he is at once to communicate to the Board.

XL. Whenever he shall find, upon examination, that any vessel stopping at the Lazaretto is in a perfectly clean condition, and no part of her cargo is in a damaged or infected state, and the Lazaretto Physician shall decide that the said vessel may be permitted up, he will sign with him the permit to that effect.

XLI. Whenever a vessel is detained at the Lazaretto, with a sick crew, for purification or under quarantine, it will become the duty of the Quarantine Master to have her properly and safely moored at such distance from the Lazaretto and all other vessels at the station, as shall prevent the communication of disease to or from the same. He shall prevent any person from going on board vessels so detained, except for

the performance of some essential duty, and then only with the consent of the Lazaretto Physician ; and he is required to take under his charge, and effectually secure the boats of all such vessels detained as above, every night, from sunset to sunrise.

XLII. The purification of vessels detained at the Lazaretto, by ventilation, scrubbing and white washing, is to be performed under the direction and superintendence of the Quarantine Master, whenever the same shall be directed by the Lazaretto Physician.

XLIII. Whenever a vessel is detained at the Lazaretto, he is in every instance, to examine into the state of the men's clothing, and if any is found to be foul or infected, to have the same sent on shore, to be washed by the Steward. He shall in no case whatever, charge for lime and brushes used in cleansing vessels, more than the retail price in Philadelphia of such articles, agreeably to the positive directions of the Health Law ; the Board will never countenance a deviation from this injunction.

XLIV. He is required, under the orders and direction of the Lazaretto Physician, to have all the sick removed from on board of vessels stopping at the Lazaretto, also such portions of the cargo, baggage, and stores, as the said Physician may deem necessary, to be cleansed and purified : the cleansing and purification of the same are also to be superintended by him.

XLV. When a vessel has undergone purification, or has completed her period of quarantine, he is required to certify to the fact in conjunction with the Lazaretto Physician. He is required to visit daily, in company with the latter officer, every vessel under quarantine or undergoing purification, for the purpose of ascertaining the condition of her crew, hold, and cargo.

XLVI. He shall take charge of the letter bags of all vessels detained at the Lazaretto, and also of all letters and papers delivered to him at any time by the captain, crew, or other persons belonging to the said vessels, or by the Lazaretto Physician, Steward, or any person or persons within the Lazaretto, and carefully enclosing them in the mail bag, to transmit them by the Lazaretto mail to the Health Office in Philadelphia. By inclosing them in the mail bag, he may also convey letters to his friends and others in Philadelphia, and he is permitted to send and receive by the mail carrier any small package or bundle.

XLVII. The Lazaretto mail is to be made up by the Quarantine Master, and despatched every day at such hour as the Board shall direct, and on its return in the evening, he is immediately and without fail to open the same and distribute the letters and papers to the persons to whom the same are respectively directed.

XLVIII. Whenever any thing is required for the proper execution of his official duties, he is to inform the Lazaretto Committee of the fact.

XLIX. Such other orders and regulations as the Quarantine Master may be called upon to obey, will be transmitted to him, from time to time, through the Lazaretto Physician.

THE STEWARD.

L. The Steward shall reside permanently at the Lazaretto, and be allowed, for himself and family, such apartments in the main building as the Lazaretto Committee shall designate.

LI. He shall be allowed the use of so much of the beds and bedding, furniture, and cooking utensils, belonging to the Lazaretto, as may be deemed proper by the Lazaretto Committee.

LII. He shall be allowed the use of so much of the ground attached to the Lazaretto, not appropriated for garden or other purposes, as the Board may, from time to time permit; *Provided*, That no injury be done by him to the fruit and other trees planted thereon, nor any of the straw or manure removed from the premises.

LIII. He shall also be allowed the use of the barn, stabling, carts, &c., belonging to the Lazaretto, and so much of the produce of the garden as is not otherwise appropriated by resolutions of the Lazaretto Committee, or by the rules of the Board.

LIV. He shall have the general charge of the buildings, grounds and property of the Board at the Lazaretto, see that the same are kept in good order, and the different apartments of the houses perfectly clean.

LV. He shall under the direction of the Lazaretto Committee, keep in good order and condition the grounds appropriated by the Board as a garden or gardens, for which he shall be allowed annually, the sum of one hundred and seventy-five dollars.

LVI. He shall have the general superintendence of the Hospital Buildings, and have the same kept clean and properly ventilated, and

scrubbed and white-washed as often as the Lazaretto Physician or Committee shall consider proper and necessary.

LVII. He shall see that all persons under his charge are clean and decent in their apparel, and that the beds of the sick are supplied with clean straw, and kept free from vermin, and the bed-clothing renewed as often as the Lazaretto Physician or Committee shall consider necessary.

LVIII. He shall invariably treat the patients with kindness and civility; and never suffer any degree of cruelty, insolence, neglect, or unkindness in the nurses or servants towards them to pass unnoticed, and he shall see that the nurses and attendants treat the sick with care and humanity, that the diet directed by the physician is properly prepared and supplied, and generally, that the orders of the physician, in relation to the treatment of the sick, are fully and regularly executed.

LIX. He shall see that all fires and lights are extinguished in every apartment of the premises under his control, before 10 o'clock at night, excepting such as may be absolutely necessary, and these he shall leave under proper care.

LX. He shall supply and have prepared, agreeably to the orders of the Physician, all such articles of diet as may be required for the sick; and shall be allowed for the same, for each patient, the sum of one dollar and fifty cents per week, during the time the patient shall remain at the Lazaretto.

LXI. He shall receive at the slip, all patients sent on shore by the Lazaretto Physician, and see that they are properly and carefully conducted to the Hospital.

LXII. He shall take charge of all clothing and effects of the patients landed, have them well ventilated, washed and ironed, and safely and carefully kept until the patients are discharged; and shall be allowed to charge for washing and ironing the sum of thirty-seven and a half cents per dozen.

LXIII. Whenever a patient dies in the Hospital, the Steward shall have his or her body decently interred in the burial ground of the Institution, and see that such of his or her clothing as require it, are, within twenty-four hours after the decease of the patient, properly washed, ironed, and put away, (or destroyed when directed by the Physician;) and for washing and ironing such clothing, he shall be

allowed to charge the sum of thirty-seven and a half cents per dozen, for the same.

LXIV. He shall take a full and accurate inventory of the clothing and other effects belonging to the persons who die at the Lazaretto, and forthwith transmit a copy to the Board.

LXV. So soon as a patient is discharged from or dies at the Lazaretto, the Steward shall make out and transmit forthwith to the Board, a bill against the "owner, captain or consignee" of the vessel from which the said patient was landed, for his or her board and attendance at the rate of seventy-five cents for each day the said patient has remained at the Lazaretto, counting the day of entrance and departure each one day; and in case of his or her death, an additional sum of three dollars for funeral expenses.

LXVI. He shall be allowed to furnish to the vessels and passengers detained under quarantine, whatever supplies they may require, for which he shall make such charges as shall be allowed by the Lazaretto Committee, and shall furnish to the said Committee a list of the articles so supplied.

LXVII. Whenever a vessel is detained under quarantine, should the Quarantine Master deem the same necessary, the Steward shall have the clothing of the crew and passengers well ventilated, washed, and ironed, for which he shall be permitted to charge the sum of thirty-seven and a half cents per dozen; *Provided always*, That the same cannot, in the opinion of the Quarantine Master, be done promptly by the crew and passengers themselves.

LXVIII. He shall supply the Lazaretto Bargemen, and Nurses, with fitting board, lodging and washing, for which he shall be allowed by the Board of Health, the sum of two dollars and seventy-five cents per week for each of the persons so supplied.

LXIX. He shall supply all necessary refreshments, with the exception of liquors, to the members of the Board visiting the Lazaretto, and shall be allowed for each individual who shall partake of such refreshments, as follows: for dinner, including lunch and tea, one dollar, for dinner and lunch seventy-five cents, and for supper fifty cents.

LXX. He shall receive, over and above the respective compensations enumerated above, a further compensation at the rate of eight hundred dollars per annum, and shall furnish at his own expense, all supplies necessary for himself and family, and such materials and domestics

as may be necessary for the due performance of all the services required of him.

LXXI. The charge for board of patients, and all other charges allowed to be made by the Steward for services rendered by him, shall be transmitted by him to the Board, in the form of an account and the amount of the same shall be paid to the Steward by an order upon the Treasurer.

LXXII. He shall be required to communicate in writing, to the Board, or Lazaretto Committee, whatever alterations, improvements, or observations he may consider will have a tendency to promote the interests of the Board, preserve the grounds and property at the Lazaretto, or increase the comforts of those under his care.

BARGEMEN.

LXXIII. The Bargemen shall man the boat for the purpose of visiting vessels either in the outer or inner channel, and convey the sick from the boat to the Hospital. If any death occurs in the Hospital, they shall attend to the interment of the body under the direction of the Steward.

LXXIV. The Bargemen shall, immediately on command of the Lazaretto Physician or Quarantine Master, enter the boat and obey their directions.

LXXV. The Bargemen shall keep watch during the night in such manner as shall be directed by the Lazaretto Committee, and sound the watch-bell every hour, from nine o'clock in the evening until sunrise; they shall be prepared and required at any moment during the night to man the boat in case of accident or alarm on board of any ship or vessel detained at the Lazaretto, and proceed with all possible expedition to the relief of the ship or vessel, passengers and crew.

LXXVI. The Bargemen who come off from the morning watch, shall be exempted from all employment during that day, excepting the boat duty in visiting vessels.

BOARDERS AT THE LAZARETTO.

LXXVII. No boarders shall be allowed in any of the families connected with the Lazaretto, that are immediately under the control of the Board, unless by the special permission of the latter.

LAZARETTO PATIENTS.

LXXVIII. All permits for entering or leaving the Lazaretto, shall be directed to the Lazaretto Physician.

LXXIX. The owners or consignees of vessels from which passengers have been landed at the Lazaretto, shall be notified, when the said passengers are discharged in a debilitated state, to provide some conveyance to bring them to the city.

PERMITS TO VISIT THE LAZARETTO.

LXXX. In all applications to visit the Lazaretto, the names of the persons on whose behalf the application is made, must be given, as well as the time at which they wish to enter, and the intended duration of their stay, and the number of persons must be stated.

LXXXI. No permit shall be given to any person to visit the families of either of the officers of the Lazaretto, excepting upon a request made through the said officers, and unless the application come from said families.

LXXXII. No person shall be permitted to enter or depart from the Lazaretto whilst there is a vessel undergoing quarantine, or persons sick in the Hospital.

OUTER CHANNEL FEE.

LXXXIII. No additional fee shall be charged upon vessels under one hundred and fifty tons burthen, when attached to a steamboat, and in consequence thereof receiving a visit in the outer channel.

LXXXIV. In the opinion of the Board, no outer channel fee can be legally charged on any vessel below one hundred and fifty tons.

RULES AND REGULATIONS

OF THE

BOARD OF HEALTH

IN RELATION TO PRIVIES WITHIN THEIR JURISDICTION.

I. Every person wishing to be licensed to clean Privies, shall make a written application to the Board of Health, wherein he shall set forth the number of carts and horses owned by him, which he intends to employ in the business. Such application being read at a stated meeting of the Board, shall be referred to the Health Officer, who shall examine and report in writing to the Board at its next stated meeting; and should he report the applicant to be of good character, to be the owner of the number of carts and horses set forth in his application, and that said carts are securely covered and fastened at the top, and perfectly water tight, the Board may, on such report, direct the Clerk to issue to the applicant a license, to continue for one year from the date thereof, which license shall bear date on the day on which it is voted by the Board, and shall be in the following form, viz:

| | | |
|---|--------------------------------------|---|
| No. | HEALTH OFFICE, <i>Philadelphia</i> , | 184 |
| | of the | of |
| being the owner of carts Nos. | | is hereby licensed to empty or |
| cleanse Privies within the limits of the jurisdiction of the Board of | | Health, for one year from the date hereof, he conforming to and obey- |
| ing the laws of this Commonwealth, and the rules and regulations of | | the Board. |

By Order of the Board.

CLERK.

II. Every application for renewal of license shall be made and proceeded with in all respects as if it were an original application.

III. On every license being granted, the Health Officer shall register in a proper book the name and residence of the person so licensed, and shall give him the proper number for each of his carts, which numbers he shall also register; the Clerk shall also register and number the license, and the owner of each cart shall cause the number of his license to be painted on the right side of the cart in white figures, at least one foot long by two inches wide, on a black ground at least eighteen inches square, and he shall cause the number of the cart to be painted in like manner on the left side, which numbers he shall always keep clean and legible, and he shall not receive his license until such numbers are so painted thereon, and inspected by the Health Officer, but the number of the carts and of the license may at the option of the owner remain unchanged on every renewal.

IV. The Health Officer shall report to the Board at its next stated meeting all licenses previously issued and registered.

V. Every person so licensed shall receive with his license a printed copy of these rules and regulations, and of extracts from the different laws of this Commonwealth on the subject, in order that he may at no time set up the plea of ignorance of their existence.

VI. All permits for emptying or cleansing Privies shall be issued in the form heretofore used, but shall be issued to and in the name of the licensed person applying for the same: they shall be issued on the day for which they are intended to be used, shall specify one, two, or three successive nights and mornings next after their date as the time for removing the contents of such Privies, and no greater or other time; and shall on or before twelve o'clock, noon, of the day succeeding the last date of said permit, be returned to the Health Office, with the proper Certificate from the Poudrette Pit.

VII. From the first day of May to the first day of the next November, the contents of all Privies shall be removed only between the hours of half-past eleven o'clock at night and half-past three o'clock of the next morning, and from the first day of November to the first day of the next May, only between eleven o'clock at night and five o'clock of the next morning. And the contents of all Privies emptied or cleansed shall be removed to and deposited upon the northern Poudrette lot, and not elsewhere.

VIII. Every cart shall, except in very clear moonlight nights, carry a lighted lamp, or lantern, so as to show the numbers. It shall only start from its stable sufficiently early to arrive at its place of destination at the permitted time, and at the expiration thereof shall proceed by the most direct route, and without unnecessary delay, to the Poudrette Pit, there deposit its contents, and return home, and not be seen in the streets after sunrise. Every citizen shall have free access to the carts to look at the numbers on them, without being molested, interrupted, or insulted by the owner, or any person in his employ, all of whom are hereby enjoined and commanded to behave themselves respectfully, and make no noise or disturbance.

IX. The tops or covers of all carts shall be kept constantly shut, except when actually receiving the contents of the tubs.

X. All or any violation of law, or of these rules and regulations, will, in addition to the punishment imposed by law, subject the offender to a loss of his license.

XI. All carts, horses, implements and apparatus, taken with any one found violating the law, are liable by law to seizure by any Police Officer, Constable or Watchman; all such officers are hereby requested to seize the same, keep them securely over night, and next morning give notice of the same to the Health Officer, Messenger, or Assistant Messenger of the Board, and communicate in writing the name of the offender, and nature of the offence; and the Board will, for every such seizure and information, pay a reward of **TEN DOLLARS** to the person making such seizure, and giving such information.



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